

Spirit of Crazy Horse

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Statement of Leonard Peltier

By Leonard Peltier

Dear Sisters, Brothers, Friends and Supporters,

The words of Frederick Douglass come to mind as we embark upon what I hope to be the last final push to achieve freedom and join you all on the outside, in the work that lies ahead.

Douglass said, "If there is no struggle, there is no progress." I think of the struggles that we have waged together, and the progress we have made. As the heat of Summer bears down on those of us imprisoned within the walls of this maximum security prison, I think of the Sundancers whose spiritual path leads them through that purifying struggle, and I long to join them. For now, I cannot. But the struggle continues.

I thank those of you who commemorated the anniversary of the firefight at Oglala that left three men so needlessly dead, deprived of life by a set of circumstances beyond their control. I especially thank those of you who devoted so much time and energy to organizing those events. June 26th saw solemn remembrances from Seattle and San Diego to Oglala, to Houston and Brussels. The events in some cities served notice to the government with the

message, "No More FBI Lies!" In Boston, hundreds of people turned out. Progress was made on returning my case to the City Council and the State Legislature there. A delegation met with the staff of Senators Kennedy and Kerry, and, most promisingly, the Black Caucus of the Massachusetts State House, whose members are eager to take action and obtain the endorsement of other black caucuses around the country. This is an excellent example of how carefully developed grassroots action can impact the highest levels of government. This is progress.

The denial of parole on July 9th was an example of how we must continue to struggle to overcome the corrupt system. As expected, the US Parole Commission examiner, despite all the letters of support from around the globe, despite the lawsuit against the commission for failing to follow its own rules, despite the moving testimony of my daughter Marquette and former BIA teacher, and now friend, Paul Berg, despite the pointed comments from my attorneys Carl Nadler and Ramsey Clark, despite my model behavior, denied my parole. Paul Berg later said how deeply he was moved by the sheer

hypocrisy of the event, and how much more he was motivated to help gain my release. Let us all turn their tools of oppression into opportunities to empower our struggle.

The greatest opening, perhaps, has been the release of 30,000 pages of FBI documents. These documents, said to be the full RESMURS file from FBI Headquarters in Washington, DC, are but a fraction of the documents that the FBI has been hiding for all these long years that I have been behind bars. The FBI has been caught in other cases, like the Salvati/Limone case in Boston, sending people to prison for life for crimes they didn't commit, in order to protect their informants who were committing murder and extortion. If the FBI would do that, why wouldn't they frame someone for the deaths in Oglala?

In late July, my legal team assembled in Lawrence, Kansas, at the offices of the LPDC, to perform the initial expert screening of these documents. There were some interesting questions raised by what they saw. The LPDC will coordinate an intensive and state of the art digitization of these documents, along with the legal pursuit of the remaining documents, which will inevitably require a lawsuit against the FBI. These documents will then be collected in an electronic archive for intensive analysis that will hopefully find the evidence of the government's gross misconduct. I hope that you will all support this work, as it surely holds the key to my freedom, but will require the LPDC to raise funds for a scanner, a new computer, and to recruit the best programmer to get the material into the hands of as many lawyers and experts on the case as possible.

I know many of you engaged in many struggles, and can't imagine life without struggle. For me, each day is a struggle, and I expend much of my energy cop-



Southwest Still, oil by Leonard Peltier, 2001.

UN Forum Heard Native Grievances Regarding U.S. Government

Jim Kent

New York, NY – The New Zealand Maori, the Northern Plains Lakota and a thousand other groups of Indigenous people have at least two points in common; their problems are frequently ignored by the dominant government where they live, and they now have a "higher authority" to turn to.

The first session of the Permanent Forum on Indigenous Issues took place at the United Nations from May 13 thru May 24. The goal of the historic gathering was to establish a process by which Indigenous peoples can voice their grievances in an international arena outside their home lands. Its creation will give Indigenous representatives from the Amazon, Africa, the Pacific Islands, the Arctic, Australia, the Americas and across the globe

the opportunity to be heard by the world organization.

Danish ambassador to the U.N. Tyge Lehamann said his country has sought the creation of an Indigenous Forum at the U.N. since the 1993 Vienna World Conference on Human Rights.

"It was quite a long trip though!" The U.N. system trying to advance this idea of the creation of a Permanent Forum high up in the U.N. system so it would be visible," he explained. "We wanted it at a level where one would deal not only with human rights questions...but with economics, social development, cultural, environmental, and health issues. We wanted a forum that would be as far as possible down to earth working with practical problems, trying to solve those in a practical manner – so it would

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ing with the horror of the US prison system. I would rather be on the outside, working with you all, shoulder to shoulder, continuing to fight for hard earned progress. I am confident that I will be there with you soon, and

look to you for renewed commitment to make my freedom a reality, for that is when the real work begins.

In the Spirit of Crazy Horse,
Leonard Peltier



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Civil and Political Rights, Including the Questions of: Torture and Detention; Religious Intolerance

Written statement submitted by the International Indian Treaty Council, a non-governmental organization in special consultative status.

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution

Torture and Detention

The International Indian Treaty Council and human rights organizations from around the world are profoundly disappointed that the final days of his administration, President Clinton failed to grant Executive Clemency for American Indian political prisoner Leonard Peltier.

President Clinton expressed his commitment to seriously consider clemency for Leonard Peltier. Religious, human rights, Indigenous and political leaders around the world voiced their strong support. But he apparently bowed to unprecedented pressure exerted on him by the U.S. Federal Bureau of Investigation (FBI), which included inflammatory and inaccurate full page newspaper ads, meetings with the President, an FBI-staged demonstration in front of the White House, and a national call-in campaign.

The FBI has opposed all legal petitions for a new trial for Mr. Peltier, in which evidence supporting his innocence would be presented. In 1980 over 12,000 documents generated from the

FBI case were released in accordance with the "Freedom of Information Act" adopted by the U.S. Congress. These documents proved Mr. Peltier was innocent of the murders of two FBI agents who were killed in the June 26, 1975, shoot-out on the Pine Ridge Indian Reservation in South Dakota, USA. Despite the U.S. governments' own admission that it could not prove who shot the agents, Mr. Peltier was denied a new trial and has spent nearly 26 years in prison for the agents' deaths.

The released documents revealed intensive FBI surveillance of American Indian Movement (AIM) activity on Pine Ridge prior to the shoot-out, as well as a plan to use "paramilitary operations" against AIM. During the three year period surrounding the shoot-out, scores of AIM members and traditional Lakotas were victims of beatings, drive-by shootings, and stabbings carried out by local vigilantes collaborating with the FBI. Many questions about FBI complicity in this violence remain unanswered.

Meanwhile, the U.S. government continues to withhold 6,000 full and 5,000 partial documents pertaining to this case, despite former President Clinton's executive order requiring the release of government documents with the passage of 25 years. These documents contain crucial evidence further supporting Peltier's innocence. They also provide additional information about the U.S. government's role in the repression

of the American Indian Movement and in orchestrating Mr. Peltier's conviction by any means necessary, including falsifying extradition documents and ballistic reports, coercing testimony, and suppressing evidence.

Leonard Peltier, from Leavenworth Federal penitentiary, requested that IITC present his statement to the members of the Commission at this time: "What my case boils down to is not a dispute over facts or evidence, but rather, the FBI's desire to conceal the truth. What traditional Native people wanted were basic human rights: the right to self-determination, the right to practice our religion, safety from political violence, and access to resources in our own homeland. Rather than listening to us, we were criminalized. In order for America to progress and become a better nation, it must allow the full truth to be revealed and it must take steps to ensure that the abuses do not reoccur."

The IITC calls upon this Commission to utilize every mechanism at its disposal and within its mandate to call for full disclosure by the U.S. government of information in this case. The IITC filed a complaint on behalf of Leonard Peltier to the Committee on Arbitrary Detention in 1997, but to date has received no response. We call upon the UN Committee on Arbitrary Detentions to renew its active investigation into the shameful facts of this case, especially now that a domestic remedy has been denied.

Justice for Indigenous Peoples of the world depends upon justice for Leonard Peltier.

The IITC also expresses our grave concern at recent news of intimidation and unjust imprisonment of indigenous Mapuche leaders, members of the organization Consejo de Todas las Tierras (CTT) Aucan Huilcaman, Manuel Santander, Mrgot Collipal, Adan Ayenao, Adrian Ayenao and Sergio Marillan. They were detained Temuco, Chile on November 29, 2001 for allegedly assaulting police officers during an unprovoked raid on their office on July 20, 2001. The Mapuche leaders reject these charges and maintain that they were the victims of a violent assault by police in which men and women were beaten and office equipment and files were confiscated without justification.

The IITC is concerned that the Indigenous leaders in custody will not be treated in full accordance with international human rights law and the Chilean constitution. The IITC has been informed that their imprisonment has been carried out under military laws dating back to the Pinochet dictatorship, and that there is a risk that they may be tried by military tribunal without recourse to normal channels of justice. IITC has also received reports that this action was instigated by powerful logging and forestry interests who oppose the Mapuche struggle to regain and defend their traditional lands.

Religious Intolerance

In 1999, the United Nations Rapporteur on Religious Intolerance

Mr. Abdelfattah Amor reported to the Commission on Human Rights on the situation of Religious Intolerance in the United States, E/CN.4/1999/58/Add.1, citing many examples of religious intolerance impacting Indigenous Peoples in that country. To date, many of the situations addressed in this report continue unabated, and some have even worsened.

One example is the ongoing denial of religious freedom for Native American prisoners in the United States of America. This concern also was presented to the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, South Africa in September 2001, by Mr. Lenny Foster, Board member of the International Indian Treaty Council. Mr. Foster is the Coordinator of the National Native American Prisoners Rights Advocacy Coalition, and spiritual advisor and Director of the Navajo Nation Corrections Project representing over 1,500 Native Americans incarcerated in 96 state and federal prisoners in the U.S.

The IITC calls the attention of the members of the Commission to the following excerpts from his intervention:

"I want to thank you for the opportunity to convey a serious concern about the denial of the religious and spiritual practices of the Native American Peoples who are incarcerated in the United States prison system. It is a primary human rights issue for Native American communities and Peoples because it affects the very essence of our cultural and spiritual beliefs."

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The examiner summoned Leonard and his attorneys back to the room, where he announced that he would recommend no change in Leonard's status, indicating that an interim hearing would be scheduled for 2004 with the full hearing set for 2008. Leonard will appeal the examiner's decision. Leonard has had a habeas corpus suit filed with the District Court in Kansas since 1999, specifically challenging the US Parole Commission's failure to follow its own guidelines. Leonard's attorney's will pursue a hearing on this case very soon, as the Court appears reluctant to try it.

The Latest on the 30,000 Pages of FBI Documents Just Obtained

While the parole hearing was disappointing but no surprise, such efforts are necessary to fully expose the inherent bias and corruption of the system. With the bad news, though, comes the good news that the FBI was forced to release close to 30,000 pages of documents relating to Leonard's case, called by the FBI "RESMURS," for Reservation Murders. The documents were released to Congressman Barney Frank (D-MA), who said he was "only doing his job" by responding to constituent requests for the

release of the documents. This is an excellent example of how sustained grassroots organizing, letter writing and lobbying can ultimately gain significant advances.

Although the efforts to get the withheld documents has been an ongoing campaign of the LPDC, under the Freedom of Information Act (FOIA), the FBI released these, technically, under an Executive Order issued by President Clinton. The LPDC, however, has a growing FOIA legal team, many members of which are convening on Lawrence, Kansas to assess the level of disclosure the FBI has made, to look for prospects for new openings in the case, and to strategize on how best to ana-

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Solidarity Needed: The Carson City Ten

Ten young Native American Indians are facing two consecutive life sentences in a racist frame-up in Carson City, Nevada. Their trial set for July 22, 2002.

During the evening of August 22, 1998, Jessica Evans, a young Native American woman was assaulted by a member of a Carson City gang while attending a party at a local motel. Jessica notified the Sheriff's Deputies, but they refused to take action despite visible injuries to her face as well as blood stains on her sweatshirt.

This inaction by the police reflects a long history of negli-

gence in conflicts involving the Latino and Native American communities, which often leads to an escalation of hostilities between them. As a result, Jessica returned home where several of her family members and friends decided to confront her attacker at the motel. Local police arrived shortly thereafter. According to police reports the defendants had already left and the gang members were still alive.

The reporting officers stated that they had to restrain Sammy Resendez, a gang member, who

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Permanent Forum Should be Showcase for Contributions of Indigenous Peoples

The Permanent Forum on Indigenous Issues, which is holding its first session from May 11-24, should not focus exclusively on grievances, but serve as a showcase for the many contributions that Indigenous peoples could make, Deputy Secretary-General Louise Frachette said.

Opening the morning meeting of the Permanent Forum, which is mandated to advise the Economic and Social Council on issues of concern to Indigenous people, she said the tradition of consensus found among many Indigenous people could contribute to conflict resolution and good governance. The medicinal knowledge of Indigenous peoples was of enormous value, and the world also had much to learn from them in managing complex ecosystems, promoting biodiversity, increasing crop productivity and conserving land.

Such interaction between Indigenous Peoples and the rest of the international community could only succeed if Indigenous peoples were secure in their human rights, she said, noting that Indigenous peoples shared a "terrible history" of injustice. They had been killed, tortured, enslaved and deprived of their political rights as well as their lands.

Ivan Simonovic (Croatia), President of the Economic and Social Council, said the Forum represented a chance to make up for some of the numerous injustices experienced by Indigenous peoples. Outlining the efforts leading up to the establishment of the Permanent Forum, he called it an "open transparent, and participatory body." He said its first report should be in concrete and clear language, along with clear planning for the World Conference on Sustainable Development and other events relating directly to the concerns of participants.

Tadodaho Sid Hill, spiritual leader of the Haudenosaunee people, expressed the hope that through the Forum, Indigenous peoples could defend their right to self-determination, their lands and their ways of life. Of great importance was the ratification of the Earth Charter and assuring

respect for his natural world. He called for a summit on Indigenous issues at the end of the decade and a permanent Secretariat for Indigenous peoples. Welcoming participants with a ceremonial invocation in his native language, he said, "I greet you to the Northeast Territory of the Great Turtle Island now known as North America."

Mary Robinson, United Nations High Commissioner for Human Rights, said that the Permanent Forum represented a challenge that had actually been met to find a space within the United Nations system to address the issues affecting Indigenous communities. Poverty reduction and other developmental issues should be reviewed from the Indigenous perspective, whether the communities were traditional or urban. Of all the pressing issues, providing a voice for young people and countering discrimination were paramount, she added.

In other business, the Permanent Forum elected Ole Henrik Magga (Norway) as its Chairperson. Also elected by acclamation, were four Vice-Chairpersons; Antonia Jacanamijoy (Columbia); Njuma Ekundanyo (Democratic Republic of the Congo); Parshuram Tamang (Nepal); and Mililani Trask (United States). Also by acclamation, it elected Willie Littlechild (Canada) its Rapporteur.



Art by John Kahionches Fadden

Other speaker were Saoudata Aboubacrine, a young Tuareg woman; Mark Malloch Brown, Administrator of the United Nations Development Programme; and Anna Tibaijuka, Executive Director of the United

Nations Human Settlements Programme (UN-Habitat).

Statements:

Opening the session, Deputy Secretary-General Louise Frachette said the Permanent Forum on Indigenous Issues was a milestone in the struggle of thousands of Indigenous peoples to win recognition of their rights and identities. Although the world's 300 to 500 million Indigenous people were very diverse, a joint sense of their cultures bound them all.

She said that with such extraordinary diversity there was necessarily great complexity, she said. Not all Indigenous people shared the same priorities; some were concerned primarily with land, others with culture. Nor did they share the same point of view. Some might want to preserve, unchanged, their ways of life, while others wanted to participate fully in the material and cultural life of the societies around them. However, one thing that Indigenous people shared was a "terrible history" of injustice.

"Indigenous people have been killed, tortured and enslaved," she said. They had been deprived of their political rights, such as the right to vote. Their lands have been taken by conquest and colonization. Questions of self-determination, self-rule, and autonomy raised fundamental issues of sovereignty and the prerogatives of the nation-State. Questions of intellectual property and cultural diversity touched on the core of human dignity and identity.

She said that questions of land and resource rights - which made up most of the human rights complaints Indigenous peoples brought to the United Nations - were matters of life and death for many of them. Visions of development might clash. Good-faith efforts to ensure that Indigenous peoples had full access to the benefits and opportunities of modernization could well collide with equally responsible efforts to preserve some Indigenous life-styles.

Ms. Frachette added that she hoped the Forum would not only focus on grievances but would showcase the many contributions that Indigenous peoples could

make. The tradition of consensus found among many Indigenous people could contribute to conflict resolution and good governance. Medicinal knowledge discovered, developed and passed from generation to generation by Indigenous people was of enormous value. The world also had much to learn from Indigenous peoples in managing complex ecosystems, promoting biodiversity, increasing crop productivity and conserving land.



Such interaction between Indigenous peoples and the rest of the international community could only proceed and succeed if Indigenous peoples were secure in their human rights, she said. As yet, however, there were no universal standards on the rights of Indigenous people as such. The Commission on Human Rights was now studying a draft declaration, and the drafting process had done much to raise awareness. The declaration would not be legally binding, but it would carry considerable moral force and complement existing international human rights instruments, which did not by themselves cover the full range of Indigenous People's concerns. It was hoped that consensus could be reached in time for the General Assembly to adopt the declaration before 2004 - the end of the International Decade of the World's Indigenous Peoples.

Ivan Simonovic, President of the Economic and Social Council (ECOSOC), outlined the efforts that led to the inauguration of the Permanent Forum, calling it an "open transparent, and participatory body." Awaiting the first report of the new body, he requested concrete and clear language, along with clear planning for the World Conference on Sustainable Development and other events that directly related to the concerns of participants. The Forum represented, he said, a chance to make up for some of the

numerous injustices experienced by Indigenous peoples.

Mark Malloch Brown, Administrator of the United Nations Development Programme (UNDP), expressed hope that the economic, political, social and cultural rights of Indigenous peoples would be pushed through in the implementation of the Millennium development targets. Referring to the links of Indigenous peoples to nature, he said it would not be possible to protect the rights of people without protecting the environment in which they lived. A UNDP policy paper addressed those issues, he said.

Saoudata Aboubacrine, a young woman of the Tuareg People, said that being present was the fulfillment of a longtime dream, enabling her and other participants to counter policies that had long subordinated Indigenous peoples. She spoke of education and health as top priorities in reducing the vulnerability of Indigenous peoples. Combating the AIDS epidemic was particularly important. As young Indigenous people, especially young women, were particularly vulnerable, they must be given a strong international voice through the forum, she said. She thanked all those who were working to provide that voice and reminded all those present that they must make the most of the opportunity at hand.

Anna Tibaijuka, Executive Director of the United Nations for Human Settlements Programme (UN-Habitat), said 17 paragraphs of the Habitat Agenda concerned Indigenous issues. The Agenda wanted to support the economic activities Indigenous people and to secure their safe interaction with other economies. Another issue was that of patenting of Indigenous knowledge. It wished to protect and promote the rights of Indigenous people. With the Committee on Human Rights, Habitat took great exception to the forced resettlement programmes undertaken without the decision-making participation of the peoples involved.

Mary Robinson, United Nations High Commissioner for Human Rights, said the forum represented a challenge that had actually been met - to find space within the United Nations system to address the issues affecting

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Problems of Indigenous Peoples Living in Cities Should be Addressed, Permanent Forum Told United Nations

United Nations

New York, NY – The Permanent Forum on Indigenous Issues should discuss the situation of Indigenous Peoples living in urban areas, an Indigenous representative told the Forum today, as it continued its review of United Nations activities relating to Indigenous Peoples.

According to the representative from the Ainu Association of Sapporo (Japan), many Ainu had settled for economic reasons in industrial centers away from their native communities, where traditions were not handed down from the elders. A 1997 law to protect the Ainu culture mostly benefited Japanese scholars, while the Ainu culture was being 'Japanized', a cultural invasion that could be seen as a new form of colonization.

Stuart W. Leslie (Belize), speaking on behalf of the 14 Member States of the Caribbean Community (CARICOM), said the Permanent Forum should provide "critical advice" to the Economic and Social Council (ECOSOC). CARICOM members were aware of the contribution to sustainable development made by Indigenous Peoples, and realized the need to strengthen their human and institutional capacities to allow them to better participate in decision-making. The CARICOM countries were committed to improving the quality of life of their Indigenous populations, who were among the most vulnerable. It was all too easy to be politically correct on this issue and say the right sort of things, "but none of these words will improve the lives of our Indigenous groups unless we translate them into action," he said.

The representative from the Teton Sioux National Treaty Council (United States) recommended to the Forum that the studies of the United Nations special rapporteurs be utilized as a guide for making recommendations on the enforcement of treaty rights for Indigenous nations. Also, the International Court of Justice should be consulted to preserve treaty rights, and the studies on land and culture by Special Rapporteur Erica Irene Daes should guide the Forum's

recommendations on Indigenous People's sovereignty.

The representative from the Curyung Tribal Council (Alaska, United States) spoke of the inability of the State of Alaska to resolve hunting and fishing rights, and asked whether this new United Nations body could assist in overcoming this impasse. The right to subsistence hunting and fishing was a human right, guaranteed under such international instruments as the International Labour Organization Convention No. 169.

The representative from the O'odham from Northern Sonora and southern Arizona expressed concern about the militarization of their lands, which overlay the United States-Mexico border, by both the military and drug-enforcement officers. Indigenous peoples must be allowed access to their traditional lands, as well as unrestricted freedom of movement across national borders that had been established without their involvement. Indigenous peoples should act against the misuse of cultural practices. For instance, an 'eagle feather' should not be used by just anyone, and instead required a long period of rites of passage to validate its use.

The representative of the L'auravetl' an Indigenous Information Center said the main idea behind the United Nations and the Permanent Forum was security. Culture was "a profound notion of why and how we are here," and the highest form of our common security was guaranteed by passing one's culture on to future generations. The Permanent Forum should consider how to involve community elders, and how to build connections from the grass roots up.

Connie Taracena (Guatemala) said her country's experiences, both negative and positive, in shaping a multi-ethnic society could significantly help the Forum's work. The establishment of the Forum was the beginning of a process which would help to provide guidelines, so that Indigenous peoples could overcome situations of discrimination and exclusion which too often affected them. The Forum's mandate recognized that Indigenous peoples' issues

went beyond human rights, encompassing question such as health, education, work, the environment, gender issues an decentralization. To give stability to the Permanent Forum, it was essential to guarantee resources from the United Nations regular budget, as well as to establish a support secretariat allowing Forum members to work between sessions.

The representative of the Torres Strait Regional Authority (Australia) stressed the push for greater autonomy of the Torres Strait Islanders, a Melanesian people of some 8,000 spread across 17 island communities in north-eastern Australia. The establishment in 1994 by the Australian Parliament of the Torres Strait Regional authority, a statutory body, was a step towards greater autonomy that had allowed his people to negotiate directly with Australia and Queensland on key matters. However, the time had come to take the arrangement a step further and broaden the decision-making ability to issues such as service delivery and resource control, including land recognition.

John Vance Buerden (Australia) said it was clear from the statements made that expectation from the Forum were high. Australia fully supported the call for appropriate support and adequate funding, but it was important to know what required funding. The Forum, with the support of all, should make clear what it intended to do between now and its next session, and outline activities for the following year. This would help to determine the necessary funding, and provide a basis for States to ensure that funding was available from the regular budget and other sources. As decided by the Economic and Social Council (ECOSOC) in 2000, once the Forum had held its first annual session, ECOSOC should review all United Nations mechanisms, procedures and programs concerning Indigenous peoples with a view to rationalizing activities, avoiding duplication and promoting effectiveness, to ensure that the Forum would be the success all hoped it would be.

The representative from the American Indian Law Alliance (United States) requested the Permanent Forum to submit a number of recommendations to ECOSOC. Namely, the Forum should have a separate secretariat; should hold its annual session by rotating the venue among the seven regions of the Forum members; should call for the adoption by 2004 of the draft Declaration on the Rights of Indigenous Peoples; should regularly receive detailed reports from United Nations agencies on their programs for Indigenous Peoples, including establishment of an independent fund for the Permanent Forum; should call for a World Summit on Indigenous Peoples at the end of the International Decade on the World's Indigenous Peoples, 1995-2004; should establish strong relationships with the United Nations Working Group on Indigenous Populations; and should recommend that the Inter-Agency Support Group, recently established under the auspices of the Office of the High Commissioner for Human Rights and the United Nations Development Fund for Women (UNIFEM), convene a meeting on the health of Indigenous women.

Luis Gallegos Chirboga (Ecuador) said the Ecuadorian Constitution recognized the collective rights of Indigenous Peoples, and putting into practice such rights was a task that the Government had taken up in earnest. A spirit of dialogue had been the guiding principle in Ecuador's relations with its Indigenous peoples. The country's interest in Indigenous issues was due to the fact that a large share of the country's population was Indigenous, and it was in the national interest to contribute to improve their social and economic situation. In this spirit, Ecuador fully supported the functioning of the Forum.

The representative of the Partnership for Indigenous Peoples Environments said there could be no international cooperation if Indigenous Peoples were constantly in situations of conflict with States. Peaceful coexistence was not impossible, but much would depend on the



Forum's leadership in promoting respect for Indigenous rights and fundamental freedoms. As an Indigenous person from Ogoni, Nigeria, he had experienced the struggle for survival. The Ogoni land, with its oil and natural gas, had helped enrich individuals and countries around the world, yet the Ogoni were extremely poor. Ken Saro-Wiwa, a prominent Ogoni environmentalist and writer, had been hanged along with others for daring to demand Indigenous rights. The Ogoni land had been devastated and polluted, and the subsistence economy had been paralyzed for over 40 years. Given that Indigenous peoples around the world faced similar situations, the Permanent Forum could best protect Indigenous peoples if its mandate included the competence to urgently intervene in cases where irreparable damage was about to occur. To exercise such competence, the Forum should be given the authority to deal with all matters relating to the rights and fundamental freedoms of Indigenous peoples.

Statements were also made by the observers for the Interior Alliance, Te Kawau Maro, African Indigenous Women Organization (Sudan), Indigenous/Tribal Peoples Development Centre, Programme d'Integration et de Development du Peuple Pygme, Alliance of Indigenous People of Archipelago for Sulawesi Tengah, United Native Nations, Taungyua, Tonatierra, Voices for Peace, World Blind Union Indigenous Caucus, Asian Indigenous and Tribal Peoples Network, and Saami Parliament in Norway.

Inmates Want Payment for Experiments

Philadelphia, PA – One after another, former city prison inmates came forward, pointing out scars they said were the marks of years of medical experiments in which they served as guinea pigs.

Alfons J. Skorski, 52, showed a scarred leg he said resulted from an athlete's foot test at Philadelphia's Holmesburg Prison in 1970. A week later his foot lost all feeling and he could walk only "by taking a step forward with my left foot and dragging my right foot."

Skorski said that even now, "if I don't concentrate on that right foot it will still drop down, causing me to trip."

More than a half dozen former inmates appeared at a City Council committee hearing Tues-

day to testify about the experiments they say were conducted on them. They are seeking an apology and compensation.

Many of the inmates' stories were told in the 1998 book "Acres of Skin," by Temple University instructor and prison activist Allen Hornblum, who also testified.

A lawsuit filed in October 2000 on behalf of 298 former inmates claiming the testing exposed the inmates to infectious diseases, radiation, dioxin and psychotropic drugs – all without their informed consent.

It names as defendants the city of Philadelphia; Dr. Albert Kligman, a University of Pennsylvania dermatologist who conducted much of the research and

is credited with developing the acne and anti-wrinkle treatment Retin A; the university; and Johnson & Johnson and the Dow Chemical Co., whose products



were allegedly among those tested on inmates.

The medical testing at Holmesburg began in 1951 and didn't end until 1974, when it was banned, Hornblum said.

A federal judge ruled that the statute of limitations for such lawsuits expired about 20 years ago, said Tom Nocella, attorney for the plaintiffs. But Nocella said the 3rd U.S. Circuit Court of Appeals is

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Court Tosses Federal Charges in BIA Crime Case

A divided federal appeals court threw out criminal charges against a Montana juvenile, focusing on a century-old law that represented one of the first intrusions on tribal sovereignty.

In a 2 – 1 Ruling, the 9th Circuit Court of Appeals said the Major Crimes Act of 1885, does not allow prosecution of American Indians for property crimes involving government entities. A three-judge panel dismissed charges against Errol D., a juvenile accused of burglarizing a Bureau of Indian Affairs office on the Fort Peck Reservation.

But the majority was quick to point out that federal authorities could have invoked other laws. "In this case,

however, we conclude the government simply charged Errol D. under the wrong statute," wrote Circuit Judge William A. Fletcher.

That explanation wasn't accepted by a dissenting panel member, Circuit Judge Melvin Brunetti accused the court of creating a catch-22 situation where certain property crimes could go unpunished.

"By excluding a government agency from the list of possible victims of burglary, the majority creates a loophole in the statutes governing federal criminal jurisdiction over Indians in Indian Country. An 1883 Supreme Court case that upheld tribal

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UN Forum

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be action-oriented and not just exchange accusations about who is violating which rights and so on."

Lehmann pointed to the close relationship between Denmark and the Indigenous people of Greenland (a semi-autonomous overseas state of Denmark) as a reason for his country's involvement in the Forum.

"The relationship between Denmark and Greenland has really developed in a good direction and a constructive way," he commented. "And we thought maybe that could also be of some inspiration to other Indigenous peoples around the world in their relationship with the governments of the nations where they find themselves."

The Permanent Forum was established on July 28, 2000, at the recommendation of the Commission on Human Rights. It consists of 16 members; 8 voted on by Indigenous people and 8 by the U.N. Economic and Social Council – which the Forum is a subsidiary body of. The Forum will report and make recommendations directly to the Council with each member serving a three-year term (there is a possibility that a member may serve one additional term). Each Indigenous representative will function in their own capacity and not as representatives of their people.

Indigenous-nominated experts of the Forum are: Antonio Jacanamijoy (Columbia), Ayitegau Kouevi (Togo), Willie Littlechild (Canada), Ole Henrik Magga (Norway), Zinaida Strogalschikova (Russian Federation), Parshuram Tamang (Nepal), Mililani Trask (United States), and Fortunato Turpo Choquehuanca (Peru). Government-nominated experts are: Yuri A. Boitchenko (Russian Federation), Njuma Ekundanayo (Democratic Republic of the Congo), Yuji Iwasawa (Japan), Wayne Lord (Canada), Otilia Lux de Coti (Guatemala), Marcos Matias Alonso (Mexico), and Ida Nicolaisen (Denmark). (A final expert is yet to be announced.)

The Forum is responsible for advising and making recommendations on economic and social development, culture, human rights, the environment, education and health. It has also been asked to raise awareness and promote the integration and coordination of activities relating to Indigenous issues within the United Nations system. The Forum will meet once each year for 10 working days at which time United Nations member states, intergovernmental and non-governmental organizations, and organizations of Indigenous people may participate as observers.

Lakota tribal member Charmaine White Face attended the Forum, as a representative of the Teton Sioux Nation Treaty

Council and was encouraged by what she saw. "Here we are being able to meet actual people who can, hopefully in the future, be able to help us," she commented. "And what I'm hearing is that all the Indigenous groups, no matter where they're from are saying almost the same thing. So it's very good because we are all speaking with one voice."

Those "same things" that Indigenous people were saying included discussions of everything from land rights and the continued destruction of the environment to the World Bank. Maori representative Antony Ngaitai Sinclair, a member of the East coast New Zealand tribe Ngati-Porou, agreed with White Face's positive feelings about the Forum. But he pointed out that it's important for Indigenous people to focus on controlling their own destinies while they're a part of the U.N.

"Indigenous peoples have to continue maintaining control for their strategic development in terms of an international political scene," Sinclair observed. "If they don't someone else will take it over and really consume us into the United Nations subculture. And we know what that is; it's international diplomacy, which is very bureaucratic and slow-moving."

Sinclair sees the role of Indigenous people as providing balance to the U.N., particularly regarding environmental issues. He

noted that there were several discussions during the Forum that pertained to the effects of Global Warming – pointing out incidents in the Arctic and Antarctic where huge areas of ice have simply broken off into the ocean.

"It's starting to get scary," Sinclair remarked. "There are small island nations that are going to have to abandon their islands as the water levels continue to rise. Some are only two feet above sea level. And it's these kinds of issues that Indigenous people are going to bring into the U.N. at a high level and are going to have to push. If we don't do that, then we simply become another little bureaucracy in the U.N. But I don't think that's going to happen. I've seen a lot of strength from the people involved in this meeting, and a determination not to become a part of the bureaucratic system."

Secretary General Kofi Annan spoke on the final day of the Forum and welcomed Indigenous people to the U.N.'s family of nations. He noted that the rights, needs and aspirations of Indigenous people can and must be addressed by the U.N. He also praised the knowledge, vision and values of Indigenous people and said they are necessary in assisting in the U.N.'s goals for development and peace.

"We begin a new chapter in the history of Indigenous peoples at the United Nations," Annan commented. "It is entirely appro-

prate that as victims of discrimination and with some of the world's poorest of the poor, Indigenous people have a platform where they can raise their concerns. On behalf of the United Nations family, I would like to pledge our strong commitment to your cause and your concerns."

The Permanent Forum on Indigenous Issues must now prepare a report and a budget to be approved by the U.N. General Assembly in the Fall. Sinclair pointed out that future agendas for the Forum will include independence, self-determination, economic development and any other topics that are of importance to Indigenous people around the world.

"We're not expecting the Permanent Forum to be able to resolve all these issues," he remarked. "But we are expecting to have an international platform consistently so that states are on notice that we are part of the United Nations, that we will be there and we will be able to raise our issues whenever they arise."

There are some 350 million Indigenous people – about 5% of the world's population – in 70 countries across the globe who have never been represented at the U.N. until now. For more information www.unhcr.ch/indigenous/forum.htm

Common sense is very uncommon.

Harris Decision Underscores Need for Congress to End Mandatory Minimums

FAMM amicus brief cited in Supreme Court Decision

Washington, DC—A divided Supreme Court, noting the evils of mandatory minimum sentencing, signaled that Congress should abandon such laws in the face of widespread criticism. By a close vote, however, the Court upheld the constitutionality of a mandatory minimum scheme in a federal gun statute. The 5-4 decision came in *Harris v. United States*, No. 00-10666 (June 24, 2000).

"We are disappointed with this outcome, but it underscores the need for Congress to act decisively to end mandatory minimum sentencing, a practice that while arguably constitutional, is widely condemned as unjust," said Mary Price, general counsel of Families Against Mandatory Minimums (FAMM), a national sentencing reform group that filed a *amicus curiae* (friend of the court) brief in *Harris*.

Mr. Harris was found guilty of a drug trafficking offense and

also convicted for violating section 924(c)(1)(A) of the federal criminal code. That statute provides a minimum sentence of five years and a maximum sentence of life for using a firearm in furtherance of a drug trafficking offense. If the firearm is "brandished," the mandatory minimum sentence increases to seven years and if discharged, to ten years. The jury convicted of the charge of using or carrying a firearm in connection with a drug offense. The judge then found, in a separate sentencing proceeding, that Harris "brandished" the firearm and sentenced him to the mandatory minimum sentence of seven years.

Harris argued that "brandishing" was an element of a separate, more serious statutory offense of which he was not charged and convicted. He also urged the Court to find the gun

statute unconstitutional following the Court's landmark 2000 decision in *Apprendi v. New Jersey*, if the gun statute assigned the job of finding the mandatory minimum triggering fact of brandishing to the judge and not the jury.

In rejecting Harris' claims, Justice Kennedy, writing for the Chief Justice, and Justices Scalia and O'Connor (and for Justice Breyer in parts), concluded:

(1) the fact of "brandishing" that triggers a mandatory minimum sentence of seven years if found by the judge, was intended by Congress as a "sentencing factor" and not an element of the offense. (Offense elements must be stated in an indictment and found beyond a reasonable doubt by a jury, while sentencing factors need not be stated in the indictment and need only be

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Sovereign Dineh Nation: Big Mountain

SDNBM calls upon the PRESS, the Navajo Nation Government, Federal & State Authorities to take immediate action to intervene in the threats and intimidation of ARMED Hopi Rangers monitoring Navajo residents living on the Hopi Partition Land and Navajo Partition Land areas. These daily incidents are critically affecting the Navajo People who live within the area.

Big Mountain NN, AZ The Dineh Bidzil Coalition was called upon for assistance by the SDNBM residents in disseminating information of the Hopi Rangers harassment incidents. The DBC is comprised of 19 grassroots organizations of the Navajo Nation and is highly respected and recognized by the Navajo people as human rights and civil rights advocates for Navajo Grassroots people

Within the last month the Hopi Rangers have been heavily monitoring the Ana Mae Camp, which is located at the home grounds of

Louise Benally, who is a non-signer of the Accommodation Agreement of the Hopi and Navajo 75-year lease agreement. Benally has been cooperating with the Hopi, since last year after the Hopi Rangers, Navajo County Sheriffs, and BIA Police, bulldozed the Sacred Sun Dance Grounds in August 2001.

Benally and other Navajo families have been under constant harassment by the Hopi Rangers within the past few weeks. The Hopi Rangers are frequently monitoring Ms. Benally's home and daily activities four times a day. They have been watching



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"Individuals have international duties which transcend the national obligations of obedience. Therefore [individual citizens] have the duty to violate domestic laws to prevent crimes against peace and humanity from occurring."

--- Nuremberg War Crime Tribunal, 1950

Permanent Forum...

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Indigenous communities. The structure that encourages partnership between governments and organizations of the peoples, was particularly laudable. That sense of partnership must continue, she said. This was a body that could address Indigenous issues in a holistic manner. Land was a crucial issue; closely related was the protection of the environment. Poverty reduction and other developmental issues needed to be viewed from the Indigenous perspective, whether the communities were traditional or urban. The rich cultural knowledge of all those communities also needed to be protected. Out of all the pressing issues, she said that providing a voice for young people and countering discrimination were paramount. A coordinating group of United Nations agencies had been formed, but permanent support and finance mechanisms

were needed. She appealed to Member States for support in those areas.

Ole Henrik Magga, Chairperson of the Permanent Forum on Indigenous Issues, followed the election of officers with the reading of a dedicatory poem. He extended thanks to all of those who had worked for so long to make the forum a reality. There were many Indigenous peoples, he said, who could not be represented at the opening session, and he hoped that eventually all would participate. He expressed confidence that the many challenges that faced the forum would be met, in the spirit of partnership in which it was beginning and with the support of international agencies, Member States and the Indigenous peoples themselves. Among the crucial issues to be addressed were marginalization, violence, discrimination, degradation of lands, and self-determination.

Civil and Political Rights

Continued from page 3

"The United States government displaced many of our ancestors physically and spiritually. During that relocation, many of the traditional ways of spiritual and religious practices were repressed...However, a spiritual and cultural revival has developed in the past thirty years in which the Native Americans have sought to regain their culture. This spiritual healing has seen the Peoples of all Tribal backgrounds embracing and returning to the roots of their respective spiritual and religious practices.

"Traditional religious and spiritual practices such as the cleansing and purification ceremonies have proven to be very successful in positive changes in attitude, in behavior and personality...Having access to a traditional spiritual leader to provide instruction and teach the ceremonies is very important and has also been a successful approach. All of these therapies have to be done on a consistent basis.

"Long hair, worn in a traditional fashion for cultural and spiritual beliefs is also very important. The California State De-

partment of Corrections has recently implemented a haircutting policy for Native Americans and this racist practice is very detrimental to the spiritual and psychological well-being and contributes to severe depression. Equal access and use of sacred herbs and items such as sage, cedar, sweet grass, mountain tobacco, and sacred items such as the Pipe, drum and gourd are very important to the traditional ceremonies."

"Also, there are Native Americans presently on Death Row, condemned to die and waiting to be executed. It is very important for a condemned person to be allowed to use the sweat lodge as a Last Rite request yet the various prison officials in California and Missouri have denied such requests."

"The enforcement and compliance with existing laws, policies and statutes are not uniform. Lawsuits filed in the U.S. to enforce existing laws have resulted in adverse decisions. Freedom of religion for Native American prisoners has depended upon the whim of individual prison officials. These racist attitudes and

racial discrimination should not be the basis for the arbitrarily and capriciously denying these basic human rights."

The cases presented by IITC under this agenda item each reflect the impacts of unequal and discriminatory application by states of international human rights standards with regards to Indigenous Peoples. Pervasive double standards in the practice of justice, human rights and due process by states, which in effect exclude Indigenous Peoples from full enjoyment of international as well as national laws and standards protecting civil and political rights, must no longer be tolerated by the world community.

We urge the Commission on Human Rights and in particular the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People to address this ongoing grievous discrepancy in the application of international human rights norms and standards without further delay.

Supreme Court Rejects Suit on Guatemalan Rebel

Washington — The Supreme Court ruled that former Clinton administration officials cannot be sued for failing to turn over information to an American woman about the circumstances surrounding the death of her husband, a Guatemalan rebel who disappeared in 1992.

American lawyer Jennifer Harbury has accused former Secretary of State Warren Christopher and other former officials of concealing information about her husband, leftist guerrilla Efraim Bamaca-Velasquez.

The justices unanimously said a federal appeals court was wrong in ruling the former officials were not immune from the lawsuit and in allowing the case to go forward to trial.

Harbury has long claimed her husband was captured alive, tortured for months and then killed on orders from a Guatemalan army officer who was a paid CIA informant.

The CIA and a variety of American diplomats, advisers and

others all knew what happened, but refused to tell her the truth, she claimed.

She claimed the refusal to tell her everything the U.S. government knew about the case in 1993 and 1994 denied her information she could have used to go to court to try to save her husband. The ex-officials may not mislead citizens to protect themselves from suit.

But the Supreme Court sided with the former officials and the U.S. Justice Department.

"Harbury has not stated a claim for denial of judicial access," Justice David Souter wrote in the opinion.

Statement of Jennifer K. Harbury — Re: Supreme Court Ruling in Harbury/Bamaca Case

Today the United States Supreme Court has ruled that my constitutional claim for denial of access to the courts by various federal officials must be dismissed because it was not ad-

equately pleaded in the original complaint. Specifically, it was not sufficient to simply state that the Defendants intentionally deceived me by claiming that they had no information about my husband Efraim Bamaca Velazquez, in order to prevent me from going to court to save his life. The complaint should have set forth exactly what legal claims I would have brought at the time.

Although the example of the intentional infliction of emotional distress was raised later, the Court noted that this claim is still alive and well in the United States District Court. Accordingly, I must return to the lower court to fully pursue this and other claims which are still pending there, including a number of tort claims as well as claims based on international law.

In short, the case of Harbury v. Deutsch is alive and well in the District Court, minus my claim of access to the courts, which has been dismissed on the technical grounds of pleadings requirements.

I am pleased with and respectful of the Supreme Court's highly limited and thoughtful opin-

ion. This case was taken up shortly after the tragic attacks of September 11, 2001 when many government officials, in an apparent loss of perspective, sought to cancel all human and civil rights, a situation which would leave us as little better than the Al Qaeda itself. Calls for the legalization of torture were being pressed upon us, despite the fact our Founding Fathers made it clear that our new nation was to leave far behind it the rack and screw and the Star Chamber that had driven so many from Europe. At the Supreme Court itself, the U.S. Government's main claim was that federal officials must have the right to lie outright to the American public. A mere "no comment" was claimed inadequate; intentional deception was urged as a political necessity. None of these arguments were accepted by the Court.

The Supreme Court today has well served its historic function of upholding the law and standing its ground, no matter the temporary excesses or political convenience of the times. There has been no bow to torture or official deceit. The withholding of cru-

cial information that could save the life of a secret prisoner suffering torture at the hands of CIA paid operatives has not been authorized or validated.

I will return to the United States District Court as instructed, and pursue my claims for torts and violations of international law. An act of torture is an act of terrorism. I must press for justice, or others will die as my husband did, either thrown from a helicopter or dismembered and scattered across a sugar cane field, all paid for by U.S. tax dollars and protected with U.S. secrecy. Here it must end.

"Those who hate injustice must fight it with every ounce of their strength."

--- Ignazio Ellacurio, S.J.

(Killed by School of the Americas Graduates)

Update...

Continued from page 3

lyze these. As well, plans to go after the additional documents, which the FBI's lead FOIA agent says may number close to 100,000 pages, and to sue the FBI to force removal of much of the redactions, or "blacking out" of the documents, will be discussed.

One aspect of the FOIA strategy will be to digitize the FBI documents and create a searchable database of all the documents that define the record of Leonard's case, from court transcripts, affidavits and filings to FBI teletypes and memoranda. This will be achieved first, with the acquisition of a very high-quality scanner, and then with open source software being developed principally by a consortium of libraries globally to make digital archives available over the web. Look for sample documents on our website in the near future.

The LPDC needs immediate donations in order to move this document archiving process forward (see page 17). Please call or email if you have access to such a scanner that can be loaned, or if you have expertise in document digitization.

Urgent Action! Leonard's Health Neglected by Prison Bureaucrats

Leonard Peltier has for over a year now been quietly enduring a BONE SPUR in his heel. He has sought treatment for this painful condition, yet none of the remedies offered by the federal US Bureau of Prisons has worked. Bone spurs occur when muscle tension in the foot pulls a bone out of place. The condition is worsened by poor-quality footwear and by stressing the foot. In Leonard's case, after a cortisone shot over a year ago had no effect, he was given low quality foam inserts. A second cortisone shot more recently also had no effect.

Leonard is forced to work at the UNICOR factory, the federal prison labor operation that produces a vast array of goods for sale to US government agencies. In the Leavenworth UNICOR furniture factory, Leonard must stand on his feet all day, which causes severe pain. When he asked for transfer to a position that did not cause him pain, he was told that he would stay where he was for

six more years. The prison clinician has recommended a simple surgical procedure to correct the bone spur, but the Bureau of Prisons medical facility in Springfield, Missouri has denied the request, and the Leavenworth warden has denied a request for treatment at a Kansas City hospital that regularly treats Leavenworth inmates. Leonard seeks immediately special gel-foam inserts for his shoe and the necessary surgery to correct the bone spur. The LPDC asks that you call, fax, email or write:

Kathleen Hawk Sawyer
Director, Bureau Of Prisons,
320 First St. NW
Washington, DC 20534
Telephone: 202-307-3198
Fax: 202-307-0826
E-mail: khawk@bop.gov

Also contact:

Capt. Newton E. Kendig II,
Medical Director, Health Services
Division, Bureau of Prisons
Phone: 202-307-3055
Fax: 202-307-0826
Email: nkendig@bop.gov

Demand immediately at least the level of care recommended by

their own clinician in Leavenworth to the painful bone spur that is currently causing suffering to Leonard Peltier, USPL #89637-132.

Supreme Court Rules in Industry's Favor

The Supreme Court has ruled that federal prisoners held in private correctional facilities cannot sue the contractor for financial damages for alleged violations of their constitutional rights. Since federal prisoners in publicly run prisons cannot sue the government — although they have the right to sue individual officers subject to the defense of qualified immunity — the court decided that it could not allow prisoners in private facilities greater legal protections than their public sector counterparts.

The case of Correctional Services Corporation v. Malesko involved John Malesko who, was serving a sentence at Le Marquis Community Correctional Center, a halfway house in New York City run by Correctional Services Corporation (CSC) under contract to the Federal Bureau of

Prisons (see PPRI #44-42, 36, 30, 26, 24, 21, 14 & 3).

Send a copy of your letter to:
Joint Commission on the Accreditation of Healthcare Organizations
complaint@jcaho.org
Fax: (630) 792-5636

Mr. Malesko's living quarters were on the fifth floor. CSC had a policy of only allowing offenders to use the elevator to reach the sixth floor or above. But, due to Mr. Malesko's known heart condition, he was allowed to use the elevator to reach the fifth floor.

On one occasion a correctional officer refused to allow Mr. Malesko to use the elevator. Mr. Malesko protested, but the officer still refused to let him use the elevator. On climbing the stairs Mr. Malesko suffered a heart attack and fell.

Three years later, Mr. Malesko sued CSC and individual officers for \$4 million; the latter claim was dismissed due to a statute of limitations. Since federal appeal courts have disagreed on

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Pennsylvania Supreme Court Rejects Motion: Mumia Confronts New Legal Challenges

Betsy Plette

Supporters of African American political prisoner Mumia Abu-Jamal held a news conference outside the offices of gubernatorial candidate Ed Rendell. They gathered to protest a recent Pennsylvania Supreme Court ruling.

On June 14, the court rejected Abu-Jamal's legal motion to question former Philadelphia District Attorney Ronald D. Castille in court. Castille is currently a justice on the state Supreme Court.

Rendell's office was chosen because he has publicly stated that he will sign a death warrant for Abu-Jamal if elected governor. As an assistant DA, he was also involved in the 1981 frame-up of Abu-Jamal for killing Daniel Faulkner, a white Philadelphia cop.

The danger of a new death warrant increased June 17 when

the U.S. Supreme Court threw out a lower court ruling that overturned the death sentence of another Pennsylvania death row inmate and ordered the case re-examined. Last December's federal court decision overturning Abu-Jamal's death sentence could also be in jeopardy.

The news conference was organized by the International Concerned Family & Friends of Mumia Abu-Jamal.

Exclusion of Black Jurors

Abu-Jamal's motion called for questioning Judge Castille about an infamous training tape developed by Jack McMahon, a prosecutor in the Philadelphia District Attorney Office. The tape coached assistant DAs on how to exclude African American people from juries and then conceal their efforts.

The 1987 video explained how to evade and violate a 1986 U.S. Supreme Court decision, *Baston vs. Kentucky* that forbade using race as a reason to eliminate potential jurors in the selection process.

As Philadelphia DA from 1986 to 1991, Castille was McMahon's supervisor. The first things to appear on the videotape are Castille's name and the official seal of the Philadelphia District Attorney's Office.

Although the DA's office claimed the tape reflected only McMahon's views, supporters of Abu-Jamal are convinced Castille knew about the production, distribution and use of the tape. They say the notion that McMahon did it on his own, without the approval and knowledge of his boss, is preposterous.

Exclusion of potential African American jurors was one of 29 constitutional violations during Abu-Jamal's trial, sentencing and post-conviction proceedings, according to a brief filed in federal court in 1999. Although Castille was not district attorney at the time of Abu-Jamal's 1982 conviction, the illegal policy of excluding jurors based on race clearly continued during his term.

Bias against Black jurors was also part of Abu-Jamal's state appeal for post-conviction relief. When the Pennsylvania Supreme Court, including Castille, ruled against that appeal in 1998, the former prosecutor never disclosed his conflict of interest or

the McMahon tapes that bears his name.

Castille also refused calls to recuse himself because of his connection with the Philadelphia DA's office and his honorary membership in the Fraternal Order of Police.

This marks the third time Castille was allowed to rule on matters concerning his own actions—in violation of state law.

Abu-Jamal's attorneys have formally requested a reconsideration of the court's decision. "[Castille's] presence on the court denies both justice and the appearance of justice," said Pam Africa, spokesperson for ICFMAJ. She noted, "The more people learn of what's going on and speak up about it, the harder it will be for this court to continue the injustice."

New Danger for Abu-Jamal

The danger of a new death warrant was underscored by the June 17, Supreme Court decision that threw out a ruling made by the 3rd U.S. Circuit Court of Appeals last November. That lower court decision had overturned the death sentence of Pennsylvania death row inmate George Banks.

The lower court overturned Banks' sentence based on improper instructions to the jurors in the sentencing phase of the trial that violated Supreme Court standards for jury instruction set in 1988.

In an unsigned decision, the U.S. Supreme Court questioned whether those rulings could be applied retroactively, and instructed the lower court to re-examine what jurors were told



before they sentenced Banks for multiple murders in 1982.

The earlier appeals court ruling in the Banks case had prompted courts to throw out the death sentences of several of Pennsylvania's 245 death row inmates, including Abu-Jamal.

Last December, federal Judge William H. Yohn ordered prosecutors to either hold a new sentencing hearing for Abu-Jamal or reduce his sentence to life imprisonment. At the same time, Yohn refused to hear Abu-Jamal's habeas petition to overturn his conviction.

In mid-June, a federal court refused to hear Abu-Jamal's appeal of Yohn's decision, opting to wait until the Pennsylvania Supreme Court again takes up the case. State prosecutors have also appealed in an effort to restore the original death sentence.

Pointing to the numerous violations of Abu-Jamal's civil rights, conflicting testimony of witnesses, racism in jury selection, and the taped confession of Arnold Beverly that he killed Faulkner, supporters are calling for his release. For more information www.millions4mumia.org



Media Distorts Facts

ABC's Sam Donaldson Distorts Facts in Mumia Abu-Jamal Death Penalty Case, Says Nation's Leading Media Education Foundation; New Documentary with Danny Glover, Mike Farrell and Angela Davis Shows How ABC's Biased Coverage of Death Penalty Case.

A new documentary released by the national Media Education Foundation about the controversial Mumia Abu-Jamal death penalty case shows how veteran ABC news reporter Sam Donaldson purposefully withheld key facts about the case during a 20/20 segment. *Framing An Execution:*

The Media and Mumia Abu-Jamal reveals that Donaldson partnered with the prosecution's side to research and produce the show.

The Mumia Abu-Jamal case has become one of the most important death penalty cases in the world. On the night of December 9, 1981, Abu-Jamal, then a 27 year-old African-American journalist, allegedly murdered Daniel Faulkner, a 25 year-old white police officer. The trial resulted in a death penalty sentence, which was thrown out in December 2001 by U.S. District Judge William Yohn. Yohn ordered the state of Pennsylvania to conduct

a new sentencing hearing by June 18, 2002, or sentence Abu-Jamal to life imprisonment.

"Framing An Execution" shows how the December 9, 1998 20/20 segment omitted key facts in its journalistic investigation. Some of these facts include: contradictory witness accounts from the prosecution's side, police intimidation against defense witnesses, conflicting accounts of a hospital confession, and disputes about whether Abu-Jamal's licensed .38 caliber was the bullet that killed Officer Faulkner. The documentary also demonstrates that 20/20 worked closely with the Pennsylvania Fraternal Order

of Police and Officer Faulkner's widow in producing the segment.

Anti-death penalty activists and actors Daniel Glover (narrator) and Mike Farrell appear in the film, along with civil rights activists Angela Davis, defense attorney Leonard Weinglass, and media critic and civil rights activist Thomas Gardner who lead viewers through a maze of confusing question and answers concerning the events and evidence related to the Philadelphia murder.

"You get used to cheap tricks in my business," Mike Farrell says in the film. "You get used to people without integrity. But I think the most hurtful piece of it is when people using cheap tricks

and demonstrating their lack of integrity pose as journalists."

"Journalists are supposed to at least give the appearance of objectivity, especially when dealing with a death penalty case," said Sut Jhally, the film's executive producer. "But after watching what 20/20 did here, I think other journalists would be ashamed to be associated with the same profession. In fact, if ABC was concerned at all with journalistic integrity, Donaldson should have been fired for the devious and manipulative way he set out to frame Mumia Abu-Jamal."

"Framing An Execution" was produced by Sut Jhally, Execu-

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Media...

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tive Director of the Media Education Foundation and Professor of Communications at the University of Massachusetts – Amherst Campus. A 5-minute clip is available on the foundation website at www.mediaed.org

Founded in 1991, the Media Education Foundation (MEF) is the nation's leading producer and distributor of educational videos fostering critical thinking about mass media and its effect on democracy. Contact: Miriam Zoll 617-283-5047

Legal Update: Federal Court Rejects Abu-Jamal Appeal

A federal appeals court has decided not to consider the appeal of Mumia Abu-Jamal, opting to wait until the Pennsylvania Supreme Court takes up the case.

Abu-Jamal, who has been on death row for nearly 20 years, appealed to the 3rd Circuit Court of Appeals, hoping to get his original conviction overturned. State prosecutors also appealed, in an effort to restore the original death sentence.

The appeals court got the case late last year after a judge ruled that Abu-Jamal was entitled to a new sentencing hearing, at which time a new jury could set the penalty at either life in prison or death.

Ruling Hailed as Win for Yellowstone Bison

A federal judge raised doubts about the continued slaughter of bison that wander out of Yellowstone National Park in a ruling that was praised by tribes and environmentalists.

U.S. District Judge Ricardo M. Urbina put a halt to cattle grazing on 2,000 acres of public forest land next to the park, citing the government's failure to comply with federal law. The preliminary injunction forbids the presence of cows until the U. S. Forest Service becomes compliant.

The decision was a victory for the Intertribal Bison Cooperative (ITBC) and environmental

groups that oppose federal policy towards the Yellowstone bison, descendants of the last free-roaming herd in the country. Under a joint state-federal management plan finalized during the Clinton administration, livestock officials in Montana are allowed to shoot bison that leave park boundaries and enter lands where cows graze.

Urbina's order doesn't end the practice, in which nearly 200 herd members out of 3,000 have been killed this past year for fear that bison will transmit brucellosis, a deadly disease, to cattle. His adoption of a court official's report, though, that questions its

practicality represents a major step forward, according to the coalition challenging the policy.

"Now the state of Montana has no basis for killing bison on public lands," said Michael Scott, executive director of the Greater Yellowstone Coalition, one of the groups, along with ITBC and Earthjustice, involved in the case.

In the report, U.S. Magistrate Judge John M. Facciola noted the government's failure to conduct a proper environmental analysis that would take into account the effect of grazing on the bison. Citing conflicting federal documents, he suggested officials were "intentionally delaying" a review in order to wait for the

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Mental Health Crisis Behind Bars

This past April, a U.S. District Court in Wisconsin ordered the immediate transfer of seven mentally ill inmates out of Wisconsin's "supermax" prison in Boscobel, Wisconsin. The court ruled that the Eighth Amendment's clause against cruel and inhuman punishment protects the mental health of prisoners, and in the words of the court, conditions at the facility "bordered on barbaric."

Confinement conditions for inmates held under the highest security level included 24-hour a day lock-down, no visual contact with other people, no windows, round the clock artificial light, video monitoring, no access to TV, radio, or clocks, and only one 6 minute phone call per month. Inmates were evaluated every 30 days to determine whether their security level would be lowered. Survival under this system was trying for inmates without signs of mental illness, but for those prisoners suffering from mental illnesses the prospects of being moved to lower security levels were next to impossible.

The Bureau of Justice Statistics reports that almost 300,000 people with mental illnesses are confined in US jails and prisons. Almost one quarter of all women incarcerated were identified as mentally ill. The Sentencing Project and other advocacy groups contend that the actual numbers are even higher. According to the National Mental Health Association, "our nation's prisons are becoming psychiatric warehouses."

According to a new report issued by The Sentencing Project, the huge increases in the numbers of prisoners suffering from mental illness are due to a number of factors including lack of adequate mental health treatment options outside of prisons, reductions in spending on treatment affecting its availability, the criminalization of mental illness, a lack of training among the courts and police, and the interplay between mental illness and substance abuse.

These huge increases in the number of prisoners requiring mental health services is coinciding with cutbacks in education, health and social service programming available within prisons, straining an already overburdened and inadequate system. Although prison systems are mandated to treat mental illness, most jails and prisons do not have qualified mental health experts on staff. Too often inmates exhibiting symptoms of mental problems are simply placed in restraints or put in isolation, responses that may exacerbate rather than alleviate symptoms. In fact, suicide is the leading cause of death among all prisoners.

Also, prison conditions such as isolation, overcrowding, excessive noise, and violence not only lead to the deterioration of individuals suffering from acute mental illnesses, they can contribute to the development of anxiety, depression and other conditions in prisoners not formerly diagnosed with problems.

Whole prisons function to warehouse the mentally ill, there

are many solutions offered by inmates themselves and by advocacy groups that could improve the lives of many people. Some of these include mental health screening in local jails, development of community resources to reduce the likelihood that persons with mental illnesses will come into contact with the police, addressing issues of poverty and homelessness among the mentally ill, drastically increasing the availability of substance abuse treatment, and changing Social Security policy to reinstate benefits (SSI, SSDI, etc) for inmates coming out of prison.

For further information on prisons and mental health; www.sentencingproject.org www.movementbuilding.org www.americanradioworks.org

Supreme Court Rules...

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claims against companies the Supreme Court took the case to resolve this conflict.

Mr. Malesko's lawyers argued that private companies running prisons for profit should be held to a higher standard than government-run facilities. But the court disagreed, stating that this was a decision for Congress to make. The judges riled 5 to 4 in favor of Correctional Services Corporation. *Correctional Services Corporation v. Malesko* No. 00-860.

An editorial in the Washington Post December 2, 2001, called the decision "perverse" and referred to the opinion of Justice John Paul Stevens who, dissenting from the decision, stated that

Island of the Bear

Giselle Goodman

Indian Township, Maine – They left their village, knowing they could never come back. Burning from fever, fatigue and rashes, they paddled their canoes through the choppy waters of Big Lake, three miles against the wind, to Gordon Island. On days when the wind was right, their families of the tribe, still living in the village, could hear across the water the restless cries of their loved ones as they suffered and died from smallpox.

Since that terrible time 150 years ago, Gordon Island has been a sacred place for the members of Maine's Passamaquoddy Tribe – a burial ground for ancestors

who sacrificed themselves for the sake of others. In more recent times the island has been a source of angst to the people, who yearned for Gordon Island's return but met with refusals to sell from the paper company who owned it.

That yearning ended, when Gordon Island's new owners changed Passamaquoddy history forever by restoring the 26-acre island to the tribe.

"The coming home of our elders, our ancestors, that is what means the most to us," said Roger Paul, a keeper of Passamaquoddy cultural heritage.

For experts in Native American studies, the gift by Domtar Inc., a Canadian paper company, is a remarkable gesture that is rarely seen. For the Passamaquoddy it is an olive branch that marks a new relationship between the tribe and its neighbors.

"It says there are some good people out there who want to do the right thing, who want to be our friends," said Donald Sotomah, the tribe's state representative. "Domtar shook our hand and we are passing that shake on to our neighbor."

The tribe celebrated the return of the island with a powerful and emotional ceremony. For the first time in its history, tribal members invited the public to watch their sacred and private rituals of honor for the spirits of the ancestors.

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BIA Sets Precedent

Ray Hackett, Brian Scheid, Katie Melone
Norwich Bulletin

In an unprecedented move, the federal Bureau of Indian Affairs recognized the Eastern Pequot and Paucatuck Easter Pequots as historically a single Connecticut Indian tribe. That recognition gives the combined tribe access to \$4 billion in federal Indian education, health, and social programs and could lead to the tribe starting its own gaming empire, similar to the neighboring Mohegan and Mashantucket Pequot tribes. The decision, which gives the single recognition designation to two separate, petitioning tribes, was praised by leaders of both the Eastern Pequots, who began their recognition process in 1978, and the Paucatucks, who began in 1989.

The tribes share a 225-acre reservation in North Stonington and have been critical of each other's claims to legitimacy for decades. The separation was evident when both tribes held separate press conferences on the BIA's decision.

Twenty-five years ago we began the process of seeking federal recognition, asking for acknowledgement of what we have known all along; that we are the social and political descendants of the historic Pequot tribe," Eastern Pequot Chairwoman Marcia Jones Flowers said at the

news conference at her tribe's North Stonington office.

"We've lost so many of those who began the process for us, who worked so hard for our people and waited so long for this result. We know they're rejoicing with us today."

Paucatuck Chief James Al Cunha, Jr., shared Flowers' elation at the news conference in the parking lot of his tribe's Groton offices. "We are very, very happy that we have been able to substantiate our claims, hold on and get where we are today," Cunha said. Cunha said he was pleased with the way in which the BIA resolved the dispute between the two tribes and said he felt confident the two groups could resolve their differences and proceed as one federally recognized tribe. He said representatives from both groups would meet soon to discuss how to proceed from here.

"We are just under two different leaderships," he said, "and the BIA recognized that the time we have been apart was insignificant in terms of the tribe's longstanding existence."

Officials object. The BIA's decision was met with staunch objection from congressional, state and local officials, who said the federal recognition process is flawed by politics and a loose in-

terpretation of what constitutes an Indian tribe.

Our initial impression is that an appeal is likely given the inconsistencies and the irregularities in the application," Connecticut Attorney General Richard Blumenthal said at a late afternoon news conference in Hartford.

Blumenthal said a final decision on an appeal would not be made, however, until after the federal recognition documents – are thoroughly reviewed and municipal officials and other interested parties are consulted. He did say, however, the fact that the BIA opted to combine the two tribes in granting the federal recognition raised a concern that neither tribe was able to establish itself as a "continuing tribal entity" independently of the other.

Flawed system.

U.S. Representative Rob Simmons, R-2nd District, joined Blumenthal at the news conference in criticizing the BIA decision to join the two tribes and grant federal recognition to them as one entity. He said it was another example of a system in dire need of repair.

Acting Deputy Assistant Secretary of Indian Affairs Aurene Martin said the state's recognition of an Eastern Pequot tribe weighed in the group's favor. The state has held land in trust for the tribe and exempted it from taxes.

Blumenthal and Simmons said the decision sets a dangerous precedent that could lead to federal recognition of other tribes in the state. Specifically, they said, the decision had been based heavily on the fact that both Pequot tribes had been recognized by the state – a distinction also shared by both the Golden Hill Paugussetts and Schaghticoke tribes.

The state will have 90 days to appeal the BIA decision to the Internal Board of Indian Appeals within the U. S. Department of Interior once the decision is published in the Federal Registry this week. That appeal automatically will stop the federal recognition process pending the outcome of the appeal. The administrative process must be exhausted before lawsuits can be filed.

This process is far from over," Blumenthal said. Governor John G. Rowland issued a statement calling the BIA's decision "an important milestone" in the process and saying he will "continue to monitor the process to ensure an outcome that is fair to the people or the region, to the state and to the tribe."

The leaders of Ledyard, North Stonington and Preston harshly criticized the BIA's ruling and said they have shown through extensive research that neither the Eastern Pequots nor the Paucatucks are a legitimate tribe. In February, the towns' leaders released a

110-page report, which took historians four years to complete, that discounted both tribes' claims for recognition.

"Our extensive research demonstrated the reasons why these petitioning groups should not be acknowledged, so our summary reaction is that the BIA only got it half right," North Stonington First Selectman Nicholas H. Mullane II said. "At this time, we are reviewing the BIA decision with counsel. Once we fully understand the decision, and consult with citizens of our towns, we will make a decision how to proceed."

Ledyard Mayor Wesley Johnson said the towns were ready to begin their appeals process. Much of the criticism of the BIA's decision stems from the Indian Gaming Act of 1988, which allows federally recognized tribes to open and operate casinos. But, Eastern Pequot and Paucatuck leaders said the motives behind seeking federal recognition were not driven by gaming.

Flowers said the designation would give the combined tribe access to federal programs to help tribal members, preserve tribal culture and pass on Indian values to children. "These are and always have been our goals," she said. Flowers has said the tribe is interested in building a casino, but would not comment on the

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Goshute Waste Site Feared Permanent

Judy Fahys

Environmentalists fear a proposed nuclear waste site on a Utah reservation could become a more permanent solution.

The Skull Valley Goshute Tribe and a consortium of private utilities want to store up to 40,000 tons of waste on the reservation. They applied for a 20-year license from the Nuclear Regulatory Commission.

Once Yucca Mountain, the federal site in Nevada, fills up – which Department of Energy officials acknowledge will happen – the Goshute site could be extended.

Signs are growing that Skull Valley, Utah, could be pressed into service as a long-term solution for discarded nuclear-plant fuel even if the U.S. Energy Department goes forward with a federal nuclear waste repository at Yucca Mountain, Nevada.

Last month, Energy Secretary Spencer Abraham admitted Yucca Mountain would not be large

enough to hold all the deadly radioactive waste the nation expects to amass the next four decades.

And, a Washington-based environmental group pointed to Skull Valley as a "tempting" option for the overflow parking that utilities will need for their power plant waste in the long run.

"There will be more and more pressure to ship it somewhere" such as the Skull Valley facility, said Ken Cook, director of the Environmental Working Group in Washington, D.C., a critic of the Yucca Mountain plan. "They need to be honest with the public," said Cook.

Nuclear regulators are currently reviewing a license requested by eight out-of-state utilities to store 44,000 tons of high-level nuclear waste in above-ground casks at Skull Valley, about 45 miles southwest of Salt

Lake City. With approval expected by year's end, its use as a nuclear-waste parking lot could begin by 2004.

Meanwhile, the U.S. Senate is poised to decide the fate of Yucca Mountain, which, by law, can hold no more than 77,000 tons of waste from both commercial and government sites. President Bush and the U.S. House of Representatives already have approved overriding Nevada Governor Kenny Guinn's veto of the site, and the Senate's vote to override would make approval final.

If Yucca Mountain is built, utilities will need a place to park waste before the permanent disposal opens in 2010 and after it fills up in 2043.

If Yucca Mountain is scrapped, then Skull Valley would be the only other option for utilities that want to get nuclear waste

out of the more than 100 power plant sites in 35 states where the deadly waste is currently stored.

Diane Nielson, director of the Utah Department of Environmental Quality, said the state has long feared that the facility would become permanent.

"The way the [federal waste] law is written, Skull Valley becomes permanent," she said. "There is not another solution out there."

DOE spokesman Joe Davis said the greater peril for Utahns would be if the Senate rejected the Nevada repository. "Without Yucca Mountain, all roads lead to Utah," he said. "Without Yucca Mountain, you may just get more of it."

Sue Martin, spokeswoman for the consortium behind the Skull Valley storage, said their plan is to close the facility.



NYC Council Member Charles Barron Calls for the Freedom of Political Prisoners

We are here today because I am introducing a resolution which condemns the criminalization of political activity and expression as a method of political control, and abuses by agents of the U.S. Government, including law enforcement agencies which are designed to stifle political beliefs.

It is crucial to remember that during the 1960s, the FBI led by J. Edgar Hoover and other law enforcement agencies waged a vicious war on radical left-wing organizations such as the Civil Rights Movement, Black Panther Party, Student Nonviolent Coordinating Committee, Young Lords, American Indian Movement, Students for a Democratic Society and other progressive groups. This was especially true in the case of the Black Panther Party. J. Edgar Hoover stated that "the Black Panther Party was the greatest threat to the internal security of America." The Counterintelligence Program of the FBI known as COINTELPRO, has been rec-

ognized as one of the most shocking examples of government illegality in modern times. Under the COINTELPRO program, the U.S. Government waged a war in which its stated goal as set forth in an FBI memorandum dated August 25, 1967, was to "expose, misdirect and otherwise neutralize" Black organizations and their leadership.

We are not here to put anybody on trial or make any judgments regarding guilt or innocence, despite the fact that we feel trumped up charges in kangaroo courts wrongly convicted many people. It boils down to the fact that people were ultimately convicted because of their political beliefs and political action taken during a time of war.

In the light of former President Jimmy Carter's recent trip to Cuba, it is time for us to reflect as a nation on the plight of political prisoners in the United States of America. It is hypocrisy for President Bush to call on

Cuba to release their political prisoners as a prerequisite to normalizing relations without first addressing the release of political prisoners within America's own borders. Just as the U.S. Government condemns the incarceration of political prisoners around the globe, we must recognize that there are many political prisoners languishing in American jails and prisons whose only crimes were their political activities.

We hope that this is a new day and a new era with a new leadership in New York City. There is past precedent for support of the cause of other political prisoners by the New York City Council. If the Council can support the release of Irish political prisoners, why can they not do the same for Black political prisoners?

Prisoners such as Jalil Muntaqim (a.k.a. Anthony Bottom) and Robert Seth Hayes have been in prison long enough. They have served 29 to 30 years in prison

respectively. Jalil Muntaqim has been a model inmate, earned several degrees and even donated funds to the families of World Trade Center victims by collecting commissary money from inmates. Robert Seth Hayes has also earned a degree and been a role model to other prisoners as a literacy and educational instructor. Jalil Muntaqim and Robert Seth Hayes should be released, they have paid their debt to society.

In addition, many political prisoners were convicted of bogus conspiracy charges and received sentences of up to 20 to 30 years when in truth their acts were political. Sadly enough, many of these people eventually died in prison while appealing their cases.

The New York "Panther 21" had to endure severe governmental harassment and constant character assassinations before they were eventually acquitted. In contrast, no police officers or government officials were ever brought to justice for 28 Panthers murdered by police, including the

cold blooded murders of Mark Clark and Fred Hampton.

Time is up. We must correct these injustices and undo the governmental oppression of the past. We ask that the New York State Parole Board grant parole to Jalil Muntaqim and Robert Seth Hayes and we are calling for the immediate release of all men and women of conscience.

We call on the Governor to grant clemency to people imprisoned in our state institutions and we call on the President to grant amnesty to those imprisoned in federal institutions. The resolution will be introduced before the full New York City Council at its Stated Meeting on Wednesday, June 26, 2002.

Charles Barron is an incredible Council member of New York City - recently elected by his constituency (Brooklyn). People should support especially if they live in NYC. Reconciliation is the only route to freedom for many of these now aging political prisoners.

RCMP Kept Secret 'Red Power' File on Dissident Natives;

Fear of Armed Confrontation with Natives

Revealed in Newly Released Documents from '70s'

Rick Mofina

Ottawa - The RCMP monitored and compiled lists of potentially violent, politically active native Indians for inclusion in a secret "Red Power" photograph album during the 1970s, according to newly released intelligence documents.

Canada's spy agency of the day, the RCMP Security Service, feared "armed confrontation" between the government and native activists, and threats to a pipeline running between Canada and the U.S., inspired by militant native actions to the south, according to the records.

The RCMP intelligence records focus on the so-called Red Power movement in Canada, which was committed to radical political action. Red Power members found alliance with such U.S. groups as the National Congress of American Indians and the American Indian Movement.

Those rights-based organizations called on native Indians to choose between assimilation and being Indian, and advocated that

U.S. and Canadian government obligations to Indians are binding.

During the 1970s, tension in which AIM played a prominent role permeated parts of North America's native community, which culminated in violence at Wounded Knee, S.D.

"The appearance of the American Indian Movement (AIM) and its unifying factor in the Indian community has resulted in cross-country travel by individuals in which we maintain an interest," says a report marked "secret" and dated April 5, 1973, titled Red Power Canada.

It was distributed to RCMP division commanders across the country with a request that each division submit a list of individuals it felt should be included in a Red Power photograph album being set up.

"It will be difficult to select individuals to be included," cautions the report, which bears the notation "not to be disseminated outside the Force." "This album is to contain individuals whom

you feel may be involved in acts of violence or whose movements we should be monitoring."

Accompanying Security Service documents indicate that its concerns with native activism of the era were heightened "following participation of Canadian Indians at the occupation of the Bureau of Indian Affairs offices in Washington, D.C., early November 1972," says one confidential intelligence report dated March 23, 1973.

The tensions of the time were marked by an armed standoff early in 1973 for native rights led by AIM at Wounded Knee, located on the Pine Ridge Reservation in South Dakota.

"The support which AIM has in Canada did not become apparent until AIM arrived at Wounded Knee," says the report.

While hostilities between AIM and the U.S. government were developing, "the Metis Nation of Saskatchewan, using representatives from the Metis Society of Saskatchewan, contributed

physically and financially to AIM's cause," say the records.

They also say the RCMP noted that AIM received additional support from natives across Canada.

Secwepemculecw (Chase, British Columbia): Go Home!

Doug Pritchard

"Go home you f---ing Indians!" shouted yet another carload of visitors leaving the Sun Peaks ski resort as they passed the Skwelkwew'welt Protection Center No. 6. This Protection Center, a large tent with a wood-burning stove to give relief from the freezing temperatures, was set up at the entrance to the resort in order to protect Aboriginal title and ensure the accommodation of Indigenous interests.

"Duck, everyone, it's a drive-by yelling!" joked a young man to the circle of Aboriginal and non-Aboriginal supporters, including protestors Doug Pritchard

and Janet Shoemaker, assembling for prayer.

"What do they mean, 'go home'?" I am home," said an elder at the Protection Center. "This is our land. This is where we hunt and gather our berries and medicinal plants. This fire-pit is our living room. This tent is our bedroom."

Since the purchasing the Sun Peaks resort in 1992, Nippon Cable Company has expanded on-site accommodation from 100 beds to 4,000. They have plans approved by the British Columbia government to continue expand-

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58th Session of the United Nations Commission on Human Rights

Oral Address by the Red Nation of Northern Canada

We are here through CISA and thank you Mr. Chairman for this opportunity to address the Commission. I am Adelard Blackman, a member of the Dene Nation of Northern Canada. I have with me today as interested observers: Chief Sanford Big Plume of the Tsuu Tina Nation and Chief Darrell Watson of the Plains Cree Nation.

We last addressed the International Community at the 53rd Session of the Subcommission on the Promotion and Protection of Human Rights. Since then three observers from the Swiss-based organization Incomindios have conducted an investigation into the issues raised then. From August 10 to November 15, 2001, they visited various reserves and interviewed many people, compiling 48 hours of taped evidence, reports and other documentary evidence, and they are preparing a report.

Evidence was given of corruption and misinformation. Although offers of settlement have been accepted by our people, we believe that these acceptances should be seen in the light of this corruption and misinformation,

particularly considering how inadequate those settlements are to meet our needs for education, healthcare and development.

As we have educated ourselves, we have become increasingly painfully aware of the erosion and extinction of our values as People. Canada treated with us as Sovereign Nations but passed legislation excluding us from the definition of "persons."

Last summer we relied on a recommendation of the Human Rights Committee of April 1999, that "the right to self-determination requires, inter alia, that all peoples must be able to freely dispose of their wealth and natural resources, and that they may not be deprived of their own means of subsistence" (Observations on Canada, April 1999, art. 1 para.2). In those observations the Committee recorded the Canadian government's acceptance that the situation facing the aboriginal peoples remains "the most pressing human rights issue facing Canadians."

Mr. Chariman, we have to inform the International Community that three years later — the disease, unemployment, incar-

ceration and suicide rates amongst our people are many times higher than those of the general population; - Aboriginal land claims remain excluded from the general protection of Human Rights in the Canadian Charter of Rights.

We live in Third World conditions while multi-national companies reap the benefits of our resources. The very existence of our Nations is at stake. For centuries we have been the Keepers of the Land. Without fair access to our land and resources we stand to lose our identity as a people.

So much was presented to the observers from Incomindios. The allegations we make are serious. We ask that a Special Rapporteur and an independent United Nations team come to our lands to see for themselves what is happening to us.

We come before you today to bring our plight to the International Community and to seek its help in our struggle for justice according to the rule of law and a respect for our fundamental rights. Thank you, ma chee chow.



Judge Offers Way Out of New Earth First! Trial

Josh Richman

A federal judge suggested a way to avoid a whole new trial for Earth First! activists' lawsuit against Oakland Police officers and FBI agents, but it's not yet clear whether the law will allow it.

Jurors who awarded the money to Darryl Cherney and the late Judi Bari's estate couldn't decide one of the activists' claims' whether officers and agents violated Cherney's Fourth Amendment rights by arresting him a few hours after the 1990 bomb explosion that hurt the duo.

U.S. District Judge Claudia Wilken so far has delayed entering the partial verdict — thus delaying the start of a timetable for filing post-trial motions and appeals — until the undecided claim is dealt with.

This undecided claim could require a new trial with a new jury, something the lawyers said would take two to three weeks to conduct. Wilken said the earliest she could fit such a trial into her schedule would be September 2003.

So Wilken proposed an alternative, suggesting Cherney agree to let the undecided claim be dismissed without prejudice so she can enter the partial verdict, hear post-trial motions and then send the case up to the 9th U.S. Circuit Court of Appeals.

If the appeals court upholds the partial verdict as is, she said, Cherney's undecided claim would then be dismissed permanently. If the appeals court overturns part or all of the case, Cherney would be able to revive his undecided claim for retrial along with whatever issues the appeals court sends back.

Cherney's lawyers agreed, but U.S. Justice Department attorney R. Joseph Sher, representing the FBI defendants, said he believes 9th Circuit legal precedents might preclude such a plan.

Robert Bloom, one of Cherney's lawyers, said he'll file a brief explaining why the plan is permitted. Sher and Oakland Deputy City Attorney Maria Bee, representing the Oakland defendants, will have two weeks to respond to that, if they wish, and Cherney's lawyers can file a final

reply July 22, before Wilken's decision.

Wilken is also considering whether to lift or amend a post-trial gag order she placed on jurors forbidding them from discussing the case with the press or parties to the lawsuit.

The Oakland Tribune and the San Francisco Chronicle filed a motion arguing the gag order should be lifted, and Wilken said she would consider amending the order so that jurors would be free to speak about some aspects of the case and their deliberations. She said when she decides, she'll notify jurors first and then the media and other parties.

Bari — who died of cancer in 1997 — and Cherney were hurt when a pipe bomb shattered Bari's car May 24, 1990, in Oakland, where they had come to plan a "Redwood Summer" protesting the timber industry's clear-cutting of Northern California's old-growth forests. Oakland Police arrested them hours after the blast, accusing them of being eco-terrorists who had knowingly possessed the bomb for their own nefarious plans. But prosecutors two months later declined to charge them, citing insufficient evidence; nobody else was ever arrested.

The activists sued the FBI and Oakland Police in 1991, claiming agents and officers conspired to violate their Fourth and First Amendment rights by falsely arresting them and illegally searching their homes in a frame-up to discredit and disrupt their political work.

The jury this month found three current or former Oakland Police officers and three current or former FBI agents violated the activists' rights and awarded the activists \$4.4 million.

Cherney said he and his lawyers will approach Oakland Mayor Jerry Brown, Oakland City Council and perhaps even members of the U. S. House and Senate judiciary committees, urging them to drop their appeals of the verdict, apologize, pay the awards and end this 12-year battle. For more information www.judibari.org

BIA Sets Precedent

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tribe's immediate plans for one. "Right now, our focus is on giving thanks for the struggles for this acknowledgement and we will have to look at those issues in the future," she said.

Cunha, whose tribe has been backed by gaming mogul Donald Trump, said a casino definitely is in the tribe's plans but probably not the first option the tribe would pursue. Cunha said other options are manufacturing opportunities, "everything from aerospace to chewing gum." He declined to speculate on a timetable for any proposal.

Spokesmen for the Mohegans, who own Mohegan Sun and the Mashantucket Pequot, who own Foxwoods Resort Casino, said they were pleased by the announcement, adding they supported the recognition of the two tribes as one.

"The Mashantucket Pequot Tribal Nation has always main-

tained that the Eastern Pequot/Paucatuck tribe deserves federal recognition as one entity," Mashantucket spokesman Cedric Woods said. "That's been our consistent opinion for years now."

Respected members of the Paucatuck and Eastern Pequots seemed less concerned with the prospect of a casino and said they were most pleased with the respect they said they have finally received.

Cunha said tribal members were holding a "joyous and solemn" celebration, paying tribute to those who worked so hard for the last 30 years, and especially those who began the process but are no longer here to enjoy the success.

"This means a lot," said Eastern Pequot Tribal Councilor Thomas Perry of Lisbon. "It's a long time coming for our people." Eastern Pequot Chief Roy Sebastian opened his tribe's news

conference with a prayer of thanksgiving, praising "the Great Spirit" for its gift to the tribe. "We celebrate our new journey and build upon our history and our culture. We will carry the spiritual flame of the Eastern Pequot people for generations and generations."

Perry's brother, Eastern Pequot Councilor Joseph Perry of Uncasville, said while recognition will be monumental for the children and grandchildren of tribal members, it would not change his life drastically in the near future. "Tomorrow's another day," he said. "But, my grass will still need to be cut and I will still have to go to work in the morning. There's a change, but it doesn't change everything." The state is expected to appeal the decision.

The best way to cope with change is to help create it.

The Guarani

Survival International

"Perhaps this is the last time we will be able to rise up as tribes, to raise the voice of our tribes. We mustn't be afraid because we are in our country, we are in our land... We have to shout."

Who are they? The Guarani are a part of the Tupi group of peoples in South America. There are many different groups, even within each of the countries where they live. They were one of the first peoples contacted after the European arrivals in South America around 500 years ago. There are around 40,000 Guarani in Paraguay, where Guarani is an official language along with Spanish. In Brazil, there are around 30,000 Guarani, making them the

country's most numerous tribe. Other Guarani live in neighboring Bolivia and Argentina.

How do they live? The Guarani are a deeply spiritual people. Although there are different sub-groups of the tribe, all share a religion which emphasizes land above all. Land is the origin of all life, and is the gift of the 'great father', Nande Ru. Every community has a prayer house, and a religious leader, the cacique, whose authority is based on prestige rather than formal power. The Guarani believe that the 'land without evil' is the resting place of the soul after death – over the centuries many Guarani have embarked on great journeys in an attempt to find the land without evil in this life.

What problems do they face? The Guarani in Brazil are suffering terribly from the theft of almost all their land. They experience this theft as an offence against their religion as well as destruction of their way of life and livelihood. Thousands of them now live crowded onto tiny plots of land increasingly hemmed in by ranches and plantations – the land is not enough for them to support themselves as before through hunting, fishing, and farming. Instead they are exploited as cheap labor by the ranchers and plantation owners. The Guarani-Kaiowa in Brazil suffer particularly from this, and it has led to severe depression. Three hundred and twenty Guarani-Kaiowa committed suicide

between 1986 and the beginning of 2000, the youngest suicide being only 9 years old.

What is Survival's campaign? Survival is campaigning to have Guarani land rights recognized, and to have the land that has been taken from them by ranchers and others restored to Guarani communities. Although Brazil does not recognize Indian land ownership (despite its status in international law) its own constitution does still oblige it to map, mark out ('demarcate') and protect Indian land. Survival is calling on the Brazilian government to demarcate Guarani land as a matter of urgency. For more information <http://www.survivalinternational.org/tc%20guarani.htm>

Peru: Reserve for Uncontacted Indians

The Peruvian government has announced the creation of a State Reserve for uncontacted tribes in the south-east of the country, who include the Yora. The creation of the reserve is extremely good news for these vulnerable tribes; Survival has been calling for it for some time, and launched a letter writing campaign on the issue in September 2001. The subsequent stream of letters received by the Peruvian authorities from concerned individuals around the world certainly played a part in the decision.

The reserve, which is just to the north of the popular tourist destination of Manu National Park, will measure 829,000 hectares in total. The government says it is being created to protect those Indians living in voluntary isolation in the area. No logging will be allowed inside this area – loggers have been one of the most serious threats to the Indians in this area, destroying their forest and bringing in infectious diseases to which the tribes have no immunity.

However, loggers are still operating inside the area declared a reserve, and many more are just outside it. Survival is continuing to campaign alongside the local indigenous organization FENAMAD to have all the loggers removed from the area. The recognition of the area as an Indian reserve gives added strength to this campaign. For more information, <http://www.survivalinternational.org/yoraup0205.htm>

Return of the Guatemalan Death Squads

Andrew Bounds

The bullet that killed Guillermo Ovalle as he was eating lunch in a Guatemala City café delivered a simple message: the death squads are back.

Mr. Ovalle worked for the foundation set up by Nobel Peace Prize winner Rigoberta Menchú, one of a number of organizations trying to prosecute generals responsible for atrocities in the country's genocidal civil war. Shadowy armed groups now appear to be trying to intimidate them into silence.

Shortly after Mr. Ovalle was killed in what appeared to be a messy hold-up someone called the foundation and played a funeral march down the telephone, confirming the incident was anything but accidental.

The assassination in May was the most serious of a growing wave of attacks on human rights activists in Guatemala, including kidnappings, beatings, break-ins and death threats.

The methods have all the hallmarks of those who prosecuted the dirty war against leftist guerrillas and the Indigenous Mayan population, particularly in the 1980's, and who still fear prosecution.

Six years after the conflict ended Hina Jilani, the United Nations' top human rights official last week called on the government to "unmask" the death squads.

President Alfonso Portillo admitted clandestine groups with

military links existed but said he was powerless to combat them.

It is perhaps no coincidence that the attacks are increasing as the human rights community celebrates the anniversary of its greatest victory, the conviction on June 8, 2001, of three soldiers for involvement in the murder of a crusading bishop. They included a colonel, the highest ranking military officer to be jailed in Guatemala.

Juan Gerardi, the auxiliary bishop of Guatemala City, was bludgeoned to death in his home on April 26, 1998, two days after presenting an exhaustive report detailing the army's role in hundreds of massacres in a war that killed 200,000.

The court found Colonel Byron Lim Estrada, his son Captain Byron Lima Oliva, Jose Obdulio Villanueva and Mario Orantes, Msg. Gerardi's assistant, guilty of involvement in a murder plot hatched by the army.

The verdict came after three months of evidence and three years of investigation marked by incompetence, interference and delays.

It was achieved under incredible diplomatic pressure from the international community, who saw the Gerardi murder as a test case for ending the army's impunity.

However, a year on and with an appeal pending, it looks more like a one-off victory.

"I think it was a historic verdict. But we cannot talk of the end of impunity because there are so many unresolved cases," said Edgar Gutierrez, who worked on the Gerardi report and is now in government. "It is the exception to the rule."

Such cases include genocide charges laid against former heads of state, including General Efraim Rios Montt, head of Mr. Portillo's Guatemalan Republican Front and president of Congress.

A recent UN report said the armed forces remained overmighty and prepared more for internal repression than external conflict.

In violation of UN-monitored 1996 peace accords, the two units

responsible for the bulk of human rights abuses – the presidential bodyguard, to which Captain Lima and Mr. Villanueva belonged, and military intelligence – have not been disbanded.

Nery Rodenas, one of the church's lawyers in the Gerardi case, says it is probable that the soldiers' appeal, scheduled for July, will succeed.

The prosecution evidence was mostly circumstantial. His office tried and failed to replace the presiding magistrate, who has a reputation for being soft on the army.

One year later, observers agree, another Gerardi-style killing is far more likely than another Gerardi-style conviction.

FBI/CIA Attacks Peltier Attorney Jennifer Harbury

We were very alarmed to receive this report from one of Leonard's attorneys, Jennifer Harbury. Jennifer is a renowned human rights attorney whose efforts exposed the role of the CIA in the torture and murder of her husband in 1992, at the hands of the Guatemalan military. She has tirelessly devoted herself to human rights work, and was a key legal strategist, organizer and spokesperson in Leonard's drive for executive clemency during President Clinton's administration. Her call to action is at the bottom. Ms.

Harbury was also present at the July 20th forum (see page 2).

July 10, 2002

Dear Friends,

I am writing today because I would like all of you to be informed about some very disturbing information I received last week. September 11 was certainly one of the most horrifying tragedies we have ever witnessed on our own soil, but I fear it is being badly exploited by certain government officials in order to

justify both human rights violations abroad, including torture, as well as extreme repression against our own citizens.

Our civil rights are eroding with a speed which I find frightening.

Given the situation, I have not been a bit surprised to find myself a target. Not long after Sept. 11, various government officials, including many of the CIA people exposed in Everardo's case, began to publicly insist that it was all my fault. When asked again and again if the tragedy did not represent the biggest failure of our intelligence system in U.S.

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National Cemeteries Accede to Veterans' Desire for Tribal Rituals

Anita Wadhvani

A group of military veterans has formed the state's first Native American veterans group and is seeking to ensure that traditional tribal rituals are observed when soldiers are buried in national cemeteries.

"The Native community has felt slighted for hundreds of years, and, even in schools, people are being taught that Native Americans are a thing of the past," said John Hedgecoth, a Vietnam-era veteran of Cherokee descent who helped create the Tennessee Native Veterans Society.

"We're not. We're here. It's

important for the veterans to have the ceremonies that honor their heritage."

The group's effort comes at a time when national cemeteries are trying to accommodate Native Americans and others of diverse backgrounds who are buried on their grounds, said Bill Owensby of the state Department of Veterans Affairs, which runs Nashville's National Cemetery.

At a minority veterans conference in Houston last October, representatives from the Bureau of Indian Affairs made presentations about tribal burial practices.

"They told us that many Native American people didn't feel

comfortable using our national cemeteries," Owensby said.

Owensby said he and others who operate national cemeteries are meeting with groups such as Hedgecoth's to learn how to incorporate Native American customs.

The Memorial Day ceremony at the Nashville National Cemetery will for the first time include Native American performers. Medicine River 'singers, a drum group, will begin the afternoon program, which also will include military bands, an Air Force flyover and wreath-laying.

Military funerals generally follow the same format, but fam-

ily members always have the option to change, add or eliminate entirely the military portion of the funeral, Owensby said.

First, the military chaplain — of the religion the family requests — presides at the grave site, ending with a prayer. Then color guards fire off a 21-gun salute. Afterward, soldiers stand at attention while taps is played. A U.S. flag is folded and presented to the widow, widower or next of kin, he said.

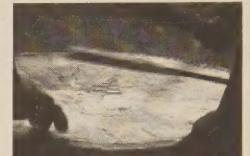
After the formal portion of the service, families can continue the service as they wish.

Hedgecoth's group has pledged to provide Native American color guards to fire the salutes at funerals and participate in

tribal rituals at families' request. The rituals themselves vary from band to band, he said.

Hedgecoth said that education efforts are needed to let Native American veterans and their families know that they can perform tribal rituals in national cemeteries.

"We found everyone amenable after we asked," he said. "We need to let people know that all they have to do is ask."



Oglala Commemoration 2002

Solidarity Needed...

Continued from Page 3

later died from head injuries so severe that he would have been in no condition to struggle against the officers. Jessica Evans, her family members and friends who returned to the motel are now being charged with the murder of Resendez.

There is no physical evidence linking any of the defendants to the crime.

At the time of the incident, the Carson 10 ranged in age from 14-20, along with one 24 year-old. Six were under 18. In an effort to break solidarity among the

defendants, the State of Nevada has split them into four groups.

On July 19th, defendant Rocky Boice, Jr. severed from his group of codefendants, and will now face the prosecution alone, with the State hoping to pit different defendants against one another. Rocky and his family had previously filed complaints against the Sheriff's department, which were ignored, and Rocky was continually harassed by Police.

The Carson 10 American Indian Defense Committee has

formed, and has asked the for the following support:

- Consider coming to Carson City, Nevada (30 miles south of Reno) to attend all or some of the trial. The trial begins August 26, and is expected to last three weeks. Local people have opened up a local gymnasium with ample padded floor space for sleeping, and arrangements are being made for solidarity meals and activities throughout the trial.
- Make a contribution, payable to:
Carson 10 Mail to
387 Colorado Street
Carson City, NV 89701

- Contact the local government officials and voice your concerns regarding this case:

Noel S. Waters
District Attorney
885 East Musser Street
Room 2030
Carson City, NV 89701
(775) 887-2072
Email: Nwaters@ci.carson-city.nv.us

Rod Banister, Sheriff
901 E. Musser Street
Carson City, NV 89701
(775) 887-2020 ext. 1900

Board of Supervisors
21 North Carson Street

Suite 2
Carson City, NV 89701
(775) 887-2100
Email: mayor@ci.carson-city.nv.us

Contact the Committee at
cl0aid@aol.com, 775-883-6505
in NV or cheruss@hotmail.com
415-648-5936 in California.

Additional Note:
A brochure and regular updates about the Carson Ten Native Youths can be found at
<http://www.freepeltier.org>

FBI/CIA

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history, they replied that I was to blame, that CIA operatives in the field had been afraid to aggressively seek out information from unsavory characters.

In fact, the 1995 reforms simply required an operative to inform his superiors before hiring a known human rights abuser, and the CIA itself admits that permission has never been denied. Nevertheless the accusations were made again and again, especially on a lengthy BBC program.

I took all this with a grain of salt and figured things would come out in the wash. They did indeed....I know that all of you have seen the lengthy disclosures about exactly how much the CIA and FBI did in fact know, but somehow never acted upon.

Similarly, I have not been particularly upset by harassing phone

calls or right wing articles which have appeared in remote publications. I was however, very taken aback by the most recent news I received, specifically, that an FBI official told an Amnesty International staffer that they consider me a top suspect in the death threats and assaults against Barbara Bocek.

Barbara is the Amnesty worker who has received death threats for a year now and who has been assaulted twice, once in Guatemala and once in Washington state. All threats have made it very clear that she is being targeted for her work for Guatemalan human rights.

The FBI has made it very clear that they do not believe her at all.

As in the case of Sister Diana Ortiz, there seems to be a government effort to suggest that

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Secwepemculecw

Continued from Page 13

ing to 20,000 beds. But the Secwepemc people oppose this expansion and the ecological damage they say it will do to their traditional hunting and gathering lands. They cite recent Canadian and BC court cases which require that the Province and corporations ensure that the concerns of Aboriginal peoples are addressed in such development projects.

Management at Sun Peaks asks why the Secwepemc people are only protesting the expansion now, several years after it began and after they had signed a Protocol Agreement with the Corporation. In response to the protests, Sun Peaks has obtained court orders requiring the relocation or destruction of four Skwel'wekw'w'et Protection Centers and associated sweatlodges built October 2000. There have

been 54 arrests of Secwepemc elders, land-users, leaders and youth who were engaged in defending their lands. Earlier this month, Sun Peaks delivered a letter demanding that the Secwepemc remove the remaining Protection Centers because they "have not communicated with the corporation about your activities or received our approval to carry them out."

In a news release on March 20, the Secwepemc say this letter makes a mockery of Canadian court decisions and that their nation continues to dispute the legality of the Sun Peaks expansion project. They have also established and placed on alert a network of support and human rights observation groups in case Sun Peaks or the BC government

tries to remove the Protection Centers.

Christian Peacemaker Teams had an exploratory delegation, consisting of Doug Pritchard (Toronto ON) and Janet Shoemaker (Goshen, IN), in the region March 17 - 26. The delegation met with Aboriginal peoples and their supporters, Sun Peaks management, police, and local politicians to better understand their current situation and the prospects for peacemaking.

Christian Peacemaker Teams is an initiative among Mennonite and Church of the Brethren congregations and Friends Meetings that supports violence reduction efforts around the world. Contact CPT, P.O. Box 6508, Chicago, IL 60680 312-455-1199 or visit <http://www.prairienet.org/cpt/>

Inmates Want Payment...

Continued from page 6

expected to hear oral arguments on an appeal in July.

Councilman David Cohen said he chaired the hearing, which will resume to try to "see that the city ceases the dangerous stance in which it, instead of answering questions, tries to hide behind legal technicalities."

The city and other defendants in effect argued "even if you're right, you're too late," Cohen said. "We don't think that kind of defense makes any sense."

Mayor John Street's office didn't return calls seeking comment.

After Hornblum's book was published, the University of Pennsylvania offered to examine any former Holmesburg inmates who thought they were harmed by Penn studies, and "that offer still stands," spokeswoman Rebecca Harmon said.

She noted that Kligman has said using paid prisoners as research subjects in the 1950s and 1960s was in keeping with "standard protocol" at that time. "To the best of my knowledge...no long-term harm was done to any person who voluntarily participated," he said.

Down Chemical Co. spokesman Scott Wheeler said the law-

suit was a result of "applying what was common practice in the 1960s to 2002 eyes. All this is something that happened 40 years ago.

Johnson & Johnson has said it tested some cosmetic and skin-care products in the prison in the late 1960s and early 1970s but didn't test any ingredients cited in the prisoners' lawsuit, and hasn't done testing on prison inmates since, according to spokesman Marc Marceau.

Cohen said the city should apologize and compensate the test subjects regardless of the legal outcome.

He noted the federal government waited 65 years to apologize for the 1930s Tuskegee experiment, in which government doctors let black men in an Alabama county go untreated for syphilis.

"We don't want to have to wait until there are just three survivors," Cohen said.

For more info on prison experiments: <http://hsc.virginia.edu/hsc-library/historical/apology/report.html> <http://www.rbs2.com/humres.htm> <http://www.sunspot.net/news/health/baltimore.research26mar26.story?coll=bal-health-headlines>

Ruling Hailed as Win...

Continued from page 10

more stringent management plan, which was adopted in December 2000.

"The Forest Service failed to initiate, let alone complete," the analysis by 1998, the agency's own deadline.

He also agreed that striking down the cattle permits would have an impact on the slaughter of the animals, considered sacred to tribes and viewed as a treasure by the public. "At the very least,

closure of the allotment to live-stock grazing would significantly reduce the need for hazing and killing of bison," he wrote.

In response, government attorneys raised objections to the report. But Urbina overruled all of them in his order, which the Forest Service is pledging to abide. An environmental review is expected in 2004.

Bison were once plentiful in the Plains before non-Indian exploitation reduced their numbers

to mere dozens. "The buffalo were slaughtered in the 1800s to destroy the food supply of the Native American people and to make room for European cattle," said Fred DuBray, executive director of the ITBC, which represents 51 tribes throughout the country.

"It is a tragedy that slaughtering buffalo is still government policy today." For more info <http://www.earthjustice.org> or <http://www.intertribalbison.org>.

Court Tosses Federal Charges

Continued from page 6

sovereignty and treaty rights prompted the change in policy.

But according to the 9th Circuit, the offenses listed in the Major Crimes Act only involve crimes against an Indian "person." The BIA, or any other state or federal entity, is not a "person," the panel ruled.

There are other federal laws that govern victimless crimes in Indian Country. Included is the General Crimes Act of 1854, which the court said federal

prosecutors could have used against Errol D.

Brunetti's dissent challenges that reasoning. He claims the law forbids federal prosecution when a tribe exercises its sovereignty and punishes a tribal member for a crime, the same situation which prompted Congress to act over a century ago.

"This rearrangement of the prosecution of Indian burglaries in Indian Country will result in a truly anomalous situation," he wrote.

A federal court in Montana recently decided a similar case involving an adult tribal member.

In May 2001, U.S. District Judge Donald W. Molloy dismissed charges against Curtis A. Belgarde for allegedly burglarizing a state agency located on the Fort Peck Reservation. For more info on the ruling: <http://www.indianz.com/myredir.asp?url=http://caselaw.lp.findlaw.com/data2/circs/9th/0030337p.pdf> USv.ERROL D., No.00-30337 (9th Cir.June 21, 2002)



Big Mountain

Continued from page 7

every movement of the Benally family. "They probably know how many times I've gone to the out house per day," says Ms. Benally. She indicates that there are no illegal activities that warrant such show of force at her residence. She attends to her goats, chickens, and a small garden that keeps her busy, and hauling water and going to work. The rangers have posted notices on cedar trees around her home. The notices are of No-Trespassing and No Wood Hauling. They want to issue citations to me and my family, but none so far, everyone within the area have been going about their business, however, it is very difficult to ignore their daily harassment activities, they, the Hopi Rangers are trying to provoke us into some kind of trouble. Their daily drive-bys and arrogant attitude are driving us insane.

The Hopi Tribal Council and their heavily armed Hopi Rangers need to give us our freedom of

movement to go about our daily lives and live in peace. The Hopis are wasting their resources on us, while they should be insuring the safety of the people, looking out for drunk drivers, issuing traffic tickets on the highways, and responding to emergencies or domestic violence. Instead, the Hopi Tribe and Hopi Rangers are violating our basic human rights to live in peace and dignity, they are violating our Freedom of Religion, criminalizing our Sacred Ceremonies, and littering our home areas with huge paper notices and warnings on just about every other tree that surrounds our homes.

Benally states in her phone call for immediate media alert in contacting of various tribal, county, state and federal authorities and officials of these threatening harassment techniques, fearing that the stepped up harassment is a larger plan to invade and forcefully evict Navajo elderly and families. It is another tactic to instigate trouble among

In the Diné tongue, there is no word for 'relocation'

To move away means to disappear and never be seen again.

the residents, threats of jail time, and may continue until someone gets hurt.

As it is reported from Ms. Benally, the Hopi Rangers on Monday, July 8, 2002, fenced up the Anna Mae Sundance grounds (which was bull dozed last year). The Anna Mae Sundance grounds is considered a sacred holy site frequented by thousands of Native Americans and Navajo people who come to offer prayers of renewal. The Anna Mae Sundance grounds is recognized by many spiritual leaders from many Indigenous nations across the world, as well as tribal nations in the United States and Canada.

Also on July 8, 2002, Ruby Bikadee's Sweat Lodge grounds were fenced in, about 2 miles east of Katherine Smith's home (a Navajo elder and Medicine woman and relocation resister).

The armed Hopi Rangers also harassed some women who were in a sweat lodge ceremony. The fencing crew came in three truckloads, and if anyone objects or gets in their way they will be arrested and jailed for interfering with a HPL fencing project.

We have no freedom nor peace from the Hopi tribe, as we are threatened daily by the Hopi Tribe, as we are threatened daily by the Hopi Rangers words, attitudes. They are trying to slowly starve us out, because they have eliminated the majority of our sheep and cattle, now they want to starve our spirituality by fencing our sacred sites. We will not be intimidated by their para-military tactics. We will remain true to our ancestral and spiritual birthright to our mother Big Mountain.

People interested in investigating these incidents, or support-

ing these destitute Navajo families with groceries and other household supplies would be scrutinized through blocked entrances to HPL if they are non-residents. Other Native American tribal members coming to pray at this sacred site are also questioned and asked to not return to the Big Mountain area. Even the press are scrutinized and questioned. Most visitors fear serving jail time for trespassing.

The families of the Benally's and Bikedees need your help to cover these stories and violations of human dignity through the harassment of the Hopi Ranger. Then SDNBM calls for the direct action from the Arizona Attorney General's office, the United States Attorney General's Office, the Navajo Nation President and Attorneys General's office for intervention and for monitoring of the Hopi Rangers treatment of the Navajo families and elderly who live on the HPL and NPL. For more information contact: Hazbah James or Louise Benally of the Diné Bidziil Coalition Dineh_Bidziil@yahoo.com

Peltier Forum:

The Latest on the 30,000 Pages of FBI Documents Just Obtained

Leonard's FOIA legal team spoke at a public forum in Lawrence, Kansas on Saturday, July 20, 2002, at the Plymouth Congregational Church. Thanks to dedicated community radio activists, the event was audio webcast live at the internet radio site WBIX.org, short for WBAI Radio in Exile, <http://www.wbix.org> WBIX.org formed in 2001 when NYC's Pacifica station WBAI 99.5 FM was taken over by hostile management. This internet radio station is hosted by long-time Peltier supporters, and gives a great opportunity for people globally to tune in and enjoy the program. Selected audio recordings of the forum can be heard online from the "Multimedia Room" section on the LPDC web site at <http://www.freepeltier.org>.

The first important step in the FOIA strategy will be to digitize the FBI documents and create a searchable database of all the documents that define the record of Leonard's case, from court transcripts, affidavits and filings

to FBI teletypes and memoranda. To accomplish this task, the LPDC needs to acquire a very high quality scanner. The second step will be the application of open source software which is being developed principally by a consortium of libraries globally to make digital archives available over the web. Look for sample documents on our web site in the near future.

To make a donation of any size to the scanner project, please write your check to LPDC and send it to the below address. Donations of \$250 or more are tax-deductible, and should be made payable to Global Exchange, with LPDC in the memo, and mailed to the below address. Thank you for your continuing support.

**LPDC
PO Box 583
Lawrence, KS 66044**

FBI/CIA

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Barbara somehow, inexplicably, assaulted and threatened herself, not once but twice. I am sure most of you saw the recent New York Times article. Now, apparently, the story has shifted a bit to suggest that I have carried out the threats, to somehow make my own case stronger. In fact, as a matter of law, the assaults on her, and me ten years after Everardo's abduction, has a legal relevance of zero for my own case. I have, however, been outspoken in my support for her, which is evidently more than enough. I get the message: Shut up about the Guatemalan terrorists here in the US who happen to CIA links, or else suffer the consequences.

Barbara first began receiving threats a year ago when she wrote an op ed piece about the Bishop Gerardi murder trial. When she went to Guatemala with a delegation in June 2001 she was assaulted outside her hotel room and left bound and gagged at the bottom of a stairwell. Her abductors were telling her she would be tortured and killed for her human

rights work. Clearly, a warning was being sent to the international human rights community.

Foreigners should not feel safe, even members of the highest level NGO's could and would be attacked and perhaps killed whenever the killers so desired. The Guatemalan response was predictable. It didn't happen, or else she did it to herself for whatever reason. The U.S. government response was a throwback to the not so good old days. No real action was taken and slowly but surely we began to hear insinuations that perhaps Barbara indeed was either fabricating the threats or staged the abduction.

While this was going on, my own witness was having grave problems as well. He is living here in the US with his family, and began to receive very frightening death threats against himself and his children. His friends and family back in Guatemala too were having the same problems. Upon the request of an Amnesty staffer, we did go to the FBI offices to give them the details. The response was shocking. The officer read through a few lines of the

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Island of the Bear

Continued from page 10

A pipe ceremony offered blessing and thanks to Gordon Island. The tribe's children performed a "pine needle" dance, a tutuwaa, acting out an earlier dream of an elder. As the elder slept, she saw great schools of fish swimming toward the village, from the direction of the island.

The other elders say she saw the tribe's ancestors returning home.

The Passamaquoddy tribe is one of the few Native American tribes that continues to live on its aboriginal lands, now known as Indian Township and Pleasant Point. The tribe has been located in what is now eastern Washington County for 12,000 years. They were given their land, Gordon Island and many others in Big Lake, in the early 1800s through a treaty with Massachusetts.

Despite this treaty, their land was slowly sold, given away or traded off in pieces by the state and by non-tribal members. Gordon Island was among those pieces of land.

Smallpox found the struggling Passamaquoddy tribe sometime in the mid-19th century, when there were just 150 members of the tribe left. The first to die from smallpox – a virus that riddles the body with a rash of deadly bumps – was a family living on Muwiniw Monihq, the Island of the Bear, Gordon Island. It became a quarantined site and when members of mainland community began to feel the first symptoms of the virus, they left their community from Peter Dana Point, got in their canoes and headed to Gordon Island to die.

"They left the community so the rest of the tribe could survive," said Socktesmah. "We knew it was our only chance for survival. It was a terrible point in our history."

The sacrifice those Passamaquoddy made then, to live on an island separated from their community, comes as no surprise to Rebecca Sockbeson, director of multicultural student affairs at the University of Southern Maine.

"It sounds very heroic and brave, which it is," said Sockbeson, a member of the Penobscot Nation. "But it was at that time the cultural norm."

Native Americans were not capitalists, she said; they were communal. They made their decisions based on what was best for the tribe, not for themselves. She has no doubt that the Passamaquoddy who contracted smallpox would have removed themselves from the community once they realized what a threat they were to the survival of their people.

"I'm sure being faced with the levels of mass death it was also not even a choice that was given," Sockbeson said. "Of course you do this when there are hundreds around you who have died."

Introduced into North America by European settlers, smallpox devastated the nation's Native American tribes. In Maine and in the Canadian Maritimes, for example, there were more than 20 Wabanaki tribes before the Europeans settled here. Today, there are four, including the Passamaquoddy. Some historians have called the Europeans' introduction of smallpox the worst case of genocide in the world's history, saying that the virus claimed nearly 98 percent of the original population of Native Americans in North America.

The Passamaquoddy living today are not certain how many people died from smallpox on Gordon Island. They are certain, however, that the 3, 300 members of the Passamaquoddy tribe alive today are here because of the sacrifice their ancestors made on Gordon Island.

The island's only inhabitants now are nature. It is home to hemlocks, birch and cedar trees. Songbirds flit among the branches while ferns growing from the mossy underbrush wiggle in the breeze. For the Passamaquoddy people, it is an island deserving of their respect, a place for spiri-

tual renewal. People like Roger Paul, Indian Township Tribal Governor Richard Stevens and Tribal Council member Joe Socobasin take this very seriously.

Stevens grew up knowing he should never take anything from the island, not a rock or a feather, believing that the eagle and the owl who visit the island have left those feathers as an offering.

When Paul and Socobasin visit the island, they smudge themselves first – a practice of cleansing thoughts and bodies with the smoke of smoldering sage. And when they arrive, they present to the spirits an offering of tobacco.

The Passamaquoddy have been trying to get the island back since the 1990s. But at that time it was owned by paper giant Georgia Pacific, which rebuffed repeated offers from the tribe to buy the land. This concerned the tribe, which saw an ever-present threat looming over their sacred burial ground.

"If the right people came along with the right amount of money, they could have come along and built a comp here," Socobasin said. "There would have been nothing we could have done to stop it."

In 2001, Montreal-based Domtar acquired the island as part of its purchase of Georgia Pacific's Woodland Mill, which abuts Indian Township. Once again, the tribe asked if it could buy the island. The answer again, was no. Domtar, recognizing the cultural significance of Gordon Island, said it would rather give the tribe the island instead.

"It's refreshing to be looked at as a culture rather than as a corporation," said Stevens. "And Domtar saw our culture."

A Domtar spokesman said the company tries to accommodate Native American tribes that have ties to the paper company's land whenever possible.

This has amazed many of the Passamaquoddy, who have for so long struggled with their neighbors to maintain their land and their way of life. The elders have prayed for the return of the island for so long. Now, they say, the circle of the island's history is complete. Now, they say, the spirits of their ancestors can finally rest in peace.



Art by a Team Prisoner

Harris Decision

Continued from page 7

found by a judge by applying a lower standard of proof;

(2) that legislatures may constitutionally define such sentencing factors and assign them specific, mandatory minimum sentences that need not be charged in an indictment or proved to a jury so long as they do not increase the sentence beyond the maximum authorized by Congress; and

(3) that the decision in *McMillan v. Pennsylvania*, 477 U.S. 79 (1986), permitted lawmakers to assign to judges the job of determining the facts that trigger mandatory minimum terms, survives the Court's ruling in *Apprendi v. New Jersey*, 530 U.S. 466 (2000). (*Apprendi* requires any fact that increases a sentence beyond that authorized by the statute be treated as an element of the offense by being stated in

the indictment and found beyond a reasonable doubt by the jury).

The court also rejected Harris' argument that *Apprendi* overruled *McMillan*, noting that the mandatory minimum sentence of seven years was within the maximum sentence authorized by Congress – life in prison. Justice Kennedy wrote:

"*Apprendi* said that any fact extending the defendant's sentence beyond the maximum authorized by the jury's verdict would have been considered an element of an aggravated crime – and thus the domain of the jury – by those who framed the Bill of Rights. The same cannot be said of a fact increasing the mandatory minimum (but not extending the sentence beyond the statutory maximum), for the jury's verdict has authorized the judge to impose the minimum with or without the finding."

The dissent authored by Justice Thomas on behalf of himself and Justices Ginsburg, Stevens

and Souter, argued that the sentence is unconstitutional and the *McMillan* should be overturned following *Apprendi*. The rule from *Apprendi* and its precursors, the dissent argued, is that it is unconstitutional to remove from the jury the determination of facts that "increase the prescribed range of penalties to which a criminal defendant is exposed." The fact of brandishing "indisputably alters the prescribed range of penalties" to which the defendant is exposed by raising the minimum from five to seven years.

While disagreeing with the outcome of the Supreme Court decision, Famm notes the opinion's observation that mandatory minimum sentences are roundly criticized:

"The Court is well aware that many question the wisdom of mandatory minimum sentencing. Mandatory minimums, it is often said, fail to account for the unique circumstances of offenders who warrant a lesser penalty. See,

e.g., Brief for Families Against Mandatory Minimums Foundation as Amicus Curiae 25, n. 16... These criticisms may be sound, but they would persist whether the judge or the jury found the facts giving rise to the minimum. We hold only that the Constitution permits the judge to do so, and we leave the other questions to Congress, the States, and the democratic processes."

The cited footnote from Famm's briefs told the Court that Famm's files are filled with transcripts of sentencings and letters from sentencing judges expressing deep remorse, frustration and regret over having to impose mandatory minimum terms which are objectively unreasonable and inapt in particular cases." The Famm brief had argued that "the core principle of *Apprendi* – that facts which justify and authorize particular levels of punishment must be proved beyond a reasonable doubt to a jury – applies not only where the legislature autho-

rizes the sentencing court to exceed what would otherwise be the statutory maximum, but also where the court is prohibited from sentencing below a mandatory minimum."

Noted Price, "The Court clearly signaled its concern with the rigidity of mandatory minimum sentencing and called on Congress to address the problem. Both the majority opinion and Justice Breyer's partial concurrence – a ringing critique of mandatory minimums – echo Famm's own condemnation of mandatory minimums. Such blind justice is, in the words of Justice Breyer, "fundamentally inconsistent with Congress' simultaneous effort to create a fair, honest, and rational sentencing system." For more information contact 202-822-6700.

FBI/CIA Attacks...

Continued from Page 17

police report and asked if the assertions were true. He then stated that no threats had been made, only obscenities. When we pointed out the portion of the report specifically describing the threats, he refused to accept them, stating that the witness should have mentioned them earlier in the interview. The witness, however, was never asked. Later, an FBI agent approached the witness at home, stating that he had spoken with local Guatemalans, and none had noticed any military types or death squad members around town. This was rather laughable, and the witness asked that he not be contacted again.

I was particularly incensed by this because it was more of the same from the mid-1990s. In the spring of 1995 just after the disclosures by Senator Torricelli, the FBI arrived late at night on my doorstep in Texas to let me know that the Guatemalans were hiring a hit man to kill me. The iron security door of the Guatemala Human Rights Commission was torn off its hinges and left in the street. Only the answering machine was taken.

A few months later, in January 1996 my lawyer, Jose Pertierra, had his car firebombed

at his Washington D.C. home, and the religious community where I was living in D.C. was shot at by someone in a pickup truck with dark glass windows. The FBI agent in charge opened the case under potential international terrorism. We also received a tip from a high level insider, indicating a Guatemalan military person who fought in Vietnam, owned a car repair shop, a luxurious home, and had unexplained income.

The FBI agent was very interested but was swiftly transferred off the case. None of us ever received any further communications from the FBI, although some truly foolish statements have come back to me through the grapevine.

When I heard about the incipient smear campaign about Barbara, I immediately sent in all of this information as to the same or similar events to corroborate her story. The Guatemalan army clearly has a modus operandi of sending or hiring people here to terrorize human rights activists and witnesses living in this country. And our own government has a practice of looking the other way when the perpetrators happen to be working with the CIA.

Things went from bad to worse. Barbara was attacked again, this time in the United States near her place of work. She was returning home one night and heard a grating sound beneath her car. When she got out to investigate, a car with its headlights off pulled up behind her and she was seized and tied up and told not to return to Guatemala for the investigation as planned, or she would be killed. The men spoke in Spanish. Her eyes were taped, she was gagged, and she was locked into her car where police found her later, semi-conscious. According to the New York Times article which followed, the police found her story questionable. Yet most of their questions could have been easily answered had they spoken with Barbara. But they failed to do so.

Barbara was also sent to the FBI to give her story. As soon as she arrived it became clear that she was a suspect and not the victim. Her sister had accompanied her but was not allowed to attend the "interview." Instead, Barbara was given a hostile interrogation of many hours, and then told that she was probably fabricating the whole story. What on earth her motive would be has never been elucidated.

Barbara is a quiet and mature woman who has a PhD from

Stanford which she is too shy to mention, and who worked for several years in Guatemala. She then chose to return to the U.S. and do public service work for Native Americans in a remote northwestern reservation. This is clearly not a woman seeking attention for herself. This is a modest and courageous woman who has long dedicated herself to working for the human rights of others with little or no recognition for herself.

Now I learn that because I have outspokenly defended her and offered up evidence of the same and similar events when her credibility was questioned, that I too have become a "suspect". Evidently these statements were made some time ago. It is clear to me that I have not only received an insult, but also a direct threat. Silence about these matters, or else. Since I am not too good at silence, I am considering my legal alternatives at this time. But most importantly, I wanted to keep all of us in the network fully informed. I have no doubt that more is coming.

Should you wish to call anyone in Congress in this regard, I would recommend three Members on the Judiciary Committees who have been truly heroic on the issues of human rights: Rep. Conyers, Rep. Frank, and Sena-

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www.FAMM.org

tor Leahey. If you call them, please remember that they are our friends, and simply call their attention to yet one more example of abuse of power by government officials. They have long been very interested and supportive. The Congressional Switchboard telephone number is 202-224-3121.

Abrazos, Jennifer

Pray for a good harvest,
but continue to hoe.

Leonard Peltier Lithographs

All shown at reduced size. Actual Size is 18" X 22"



Hawkman II
Item # PL1



**Protector of
the Woods**
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Medicine Man
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Prison Writings

My Life is My Sundance

The long awaited
memior of America's
most controversial
political prisoner
Leonard Peltier.

*"Doing time creates a demented
darkness of my own
imagination...doing time does this
thing to you. But of course,
you don't do time. You do without it.
Or rather, time does you. Time is a
cannibal that devours the flesh of
your years day by day, bite by bite."*

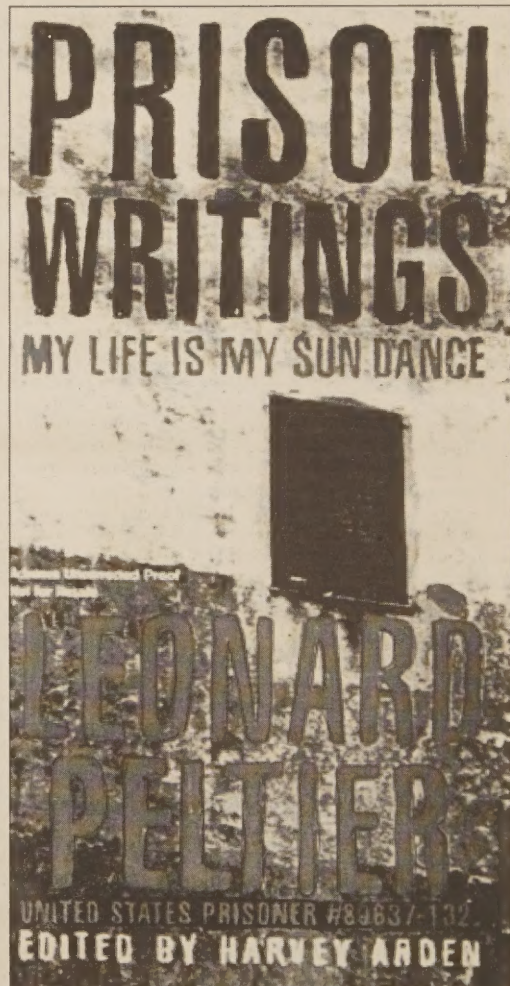
—Leonard Peltier

Immortalized in Peter Mathiessen's *In The Spirit of Crazy Horse*, Leonard Peltier, now in his 26th year of confinement at Leavenworth, was wrongfully convicted of the murder of two FBI agents in 1977. *Prison Writings*, compiled by Peltier during his incarceration, tells the extraordinary story of his life—his improverish upbringing in the Dakotas, his gradual identification as a leader and Native American warrior during the political upheavals of the late 1960s

and early 1970s, and the tense battles with the government that led to the "Incident at Oglala" (made into a prize winning movie by Robert Redford.)

Whether writing about his escape to Canada following Oglala, his capture, or the infamous trial that resulted, Peltier is remarkably philosophical, and even forgiving, his vision a blanket of mercy and compassion.

To order your copy, send a check or money order for \$25
(includes shipping and handling) to:
LPDC, P.O. Box 583, Lawrence, Kansas 66044



LPDC Merchandise

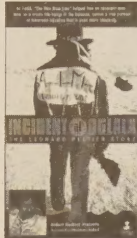
CDs/Tapes/Videos



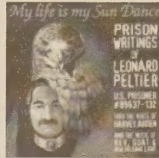
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Songs for
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Peltier
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Incident at Oglala
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AIM Patches
Small \$5.00
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100% Cotton T- Shirts

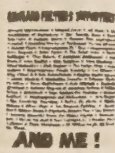
Available in Sizes M, L, XL \$16.00 - Sizes XXL \$17.00



AIM
Item # TS1



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Item # TS2 - M-XL \$20.00 (XXL \$22.00)



Crazy Horse
Item # TS3



Clemency Now
\$20.00 Donation
Item # TS4



Until Freedom is Won

Item # TS5
White \$20.00
Item # TS5
Ash \$20.00
Item # SW1 -
Sweatshirt \$35.00

Bumper Stickers



Free Leonard Peltier
\$2.00 Item # BS1

Books and LPDC Publications



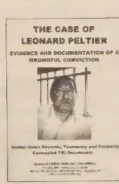
Spirit of Crazy
Horse Newsletter
\$20 - Seniors \$10
Prisoners FREE
Internationally \$30
Item # NL1



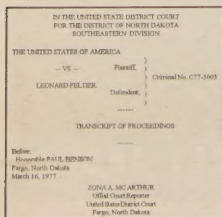
In The Spirit
Of Crazy Horse
Soft Cover \$15
Item # BK2



The Trial of
Leonard Peltier
Soft Cover \$16
Item # BK3

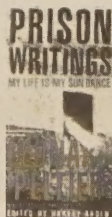


The FBI Files
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Leonard Peltier
Trial Transcript
Disk Collection
Available in IBM
compatible formats
Also available on
CD-ROM

\$50 Donation
Item # TT1



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is My
Sundance
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Santana Row

will overcome disaster, officials vow



Santana Row site worker watches as months of work go up in flames, postponing the complex's September inauguration. Photo by Manuel Rangel El Observador Photojournalist

By May Wong
Associated Press Writer

SAN JOSE, Calif. (AP) - City officials and developers of the fire-ravaged Santana Row development promised Tuesday that their \$500 million project, conceived at the height of the dot-com boom, will rise as planned and help lead Silicon Valley out of the dot-com bust.

"Although this has had and will have a tremendous economic impact on this project and our city, I am confident that we will move forward and rebuild," Mayor Ron Gonzales said Tuesday. "It is very, very important."

City spokesman David Vossbrink said the planned Sept. 19 opening for the destroyed section and other parts of the complex "will have to

“It was a boost to our psyche that we were poised for an economic recovery

Jim Cunneen

slip a bit,” but the city was committed to helping it open as soon as possible.

“People want to live here, people want to be here and we want to get it opened as quickly as possible,” said Steve Guttman, chairman and CEO of Federal Realty Investment Trust, the project's Maryland-based developer.

The 11-alarm fire gutted a six-acre section of the development - a 42-acre retail, commercial and residential project designed to become a destination for people from all over the Bay Area.

The development was one of the most ambitious projects of its kind in the United States.

“It was a boost to our psyche that we were poised for an economic recovery,” said Jim

See Santana Row Pg.10

Contacto Mundial

ALEMANIA - IRAK, EMBAJADA
Disidentes iraquíes dicen
tomar embajada en Berlín,
toman rehenes

BERLIN - Un grupo disidente iraquí dijo el martes haber ocupado la embajada iraquí en Berlín y exigió la salida del poder de Saddam Hussein. La policía alemana dijo que hubo disparos y que hay varios rehenes, incluyendo el embajador, y que dos miembros del personal están heridos.

TERRORISMO: EEUU - IRAK
Irak patrocina el terrorismo
pero no lo exporta, dicen
fuentes

WASHINGTON - Aunque el gobierno estadounidense dice que Irak patrocina el terrorismo, el gobierno de Saddam Hussein lo exporta relativamente poco en comparación con algunos de sus vecinos, aseguran fuentes norteamericanas.

EUROPA, INUNDACIONES
El río Elba es contenido en
ciudad del oriente de Alemania
MAGDEBURGO, Alemania - El des-

DIEZ REGLAS DE ORO del inmigrante reciente en EU

Por Bernardo Méndez Lugo
Consulado Mexicano Contributor
bmendez@hotmail.com

* Basado en las leyes migratorias de EU, Agosto-2002.

1. Tan pronto llegue a una ciudad más cercano, recuerde que en los Estados Unidos usted debe ponerse en contacto con el Consulado más cercano, recuerde que en California, México cuenta con diez oficinas consulares (Calexico, San Diego, Los Angeles, Oxnard, Fresno, Santa Ana, San Bernardino, San José, Sacramento y San

Francisco). El Consulado General de México en San Francisco coordina al Consulado Honorario en Hawaii. Todos los consulados mexicanos tienen personal asignado para la protección y defensa de los derechos humanos y laborales de los mexicanos; su prioridad es atender a los trabajadores más vulnerables. Si usted está regresando a México en esta temporada vacacional

y es indocumentado, tenga presente que necesita una identificación oficial con fotografía de preferencia la matrícula consular que obtiene en el Consulado mexicano más cercano.

Las autoridades migratorias han asegurado que NO harán redadas u operativos migratorios en los aeropuertos. Por sentido común, se recomienda a personas indocumentadas que no van a viajar NO se presenten a despedir o recibir a

Vea Diez Reglas Pg.7

1000 Independence High School Sophomores Receive Laptops



By Hilbert Morales M.P.H.
El Observador Publisher

In a concerted effort to close the digital divide, East Side Union High School District's Independence High

School's Career Center was the focus of much activity and attention last Tuesday and Wednesday, August 13 and 14. ESUHD School Board, Superintendent Joe Coto, Principal of

Independence High School Cari Vaeth, and their staff are to be congratulated for being the first public school to undertake a pilot project that provides a laptop computer (an IBM Thinkpad) to 1000 sophomore students. In addition, this school's campus is now equipped with its own website.

Each student, accompanied by a parent, accepted the laptop and agreed to be responsible for it by filling out and signing an ESUHD laptop computer loan contract for students. Rudy Perez, Systems Engineer for Arey Jones Educational Solutions, instructed all in strict lockstep activity to initiate all systems and programs in their personal laptop. Imagine being provided an

See Computers Pg.2

La Droga Dipyrone Puede causar la muerte

■ En la comunidad Latina, la medicina dipyrone se vende como Buscapina, Dolo-Neurobion, Neo-Melubrina, Magnopyrol, Conmel y Prodolina F.

SACRAMENTO, CA - Usando como referencia reportes de uso extenso acerca de la droga dipyrone, la cual es prohibida para su venta en los Estados Unidos, la directora estatal de salud (del California Department of Health Services) Diana M. Bontá, R.N., Dr.P.H., advirtió hoy a los consumidores que la dipyrone y los productos que contienen esta droga pueden causar problemas de salud e inclusive la muerte y debe evitarse su consumo.

Dipyrone se utiliza comúnmente para el alivio del dolor y la inflamación. Se ha sabido que dipyrone causa una reacción crítica llamada la agranulocitosis, la cual es una disminución del número de los glóbulos blancos en la sangre, que puede resultar en lesiones de la garganta y del sistema gastrointestinal.

“Los pacientes con agranulocitosis son más susceptibles de contraer infecciones serias, a veces fatales”, dijo Bontá. “Esto puede prevenirse usando otras medicinas que alivien el dolor o reduzcan la fiebre pero sin tener otros efectos dañinos”.

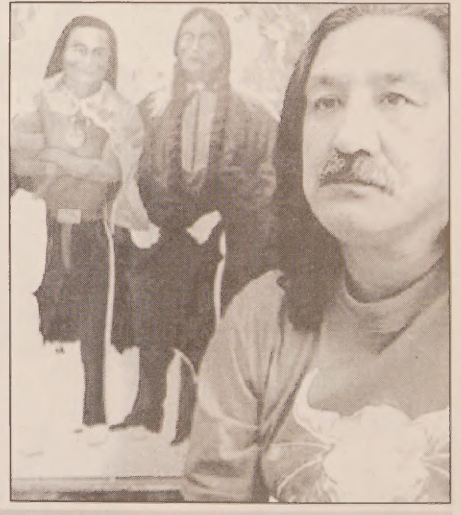
También conocido como **Vea Dypirone Pg.2**

metamizole, la medicina dipyrone se vende ilegalmente como ingrediente en los productos etiquetados Neo-Melubrina, Magnopyrol, Conmel y Prodolina F. En la comunidad Latina, la medicina dipyrone también se vende en los productos de la combinación etiquetados Buscapina y Dolo-Neurobion. En la comunidad Asiática, se vende en la medicina llamada Zhong Gan-Gan-Ling. Los individuos que viajan fuera de los Estados Unidos pueden comprar el producto sin saber de su peligro y así introducirlo a California.

Según los resultados de una investigación por la ramificación del Alimento y de la Droga del Departamento de California de los Servicios de Salud (CDHS por sus siglas en inglés), dipyrone ha sido vendido ilegalmente en todo California en mercados, tiendas de regalos, panaderías, y en los lugares de intercambio de mercancía y otros establecimientos al por menor en los condados de Alameda, Butte, Contra Costa, Fresno, Kern, Kings, Los Angeles, Marin, Orange, San Diego, San Joaquín, Santa Barbara, Santa

Leonard Peltier

Story of a political prisoner



BY JOE NARVAEZ
El Observador staff writer

Leonard Peltier, a 56-year-old Native American, citizen of the Anishinabe and Lakota Nations, has been a political prisoner of the United States legal system for over 26 years, wrongfully convicted of murdering two FBI agents in a June 26, 1975 gunfight on Pine Ridge Indian Reservation.

Inter-Tribal and Federal Government Violence

According to Anishinabe and Lakota traditionalists and AIM (American Indian Movement) troublesome relations between pro-assimilation tribal chairman Dick Wilson (who wanted to comply with the Federal Government and discard Native traditions) reached a boiling point, back in the early 1970's. Wilson employed and assisted pro-assimilation Natives, but ignored traditionalist's needs. The traditionalists decided to join with the American Indian Movement (AIM), a civil rights group committed to preserving Native pride and sovereignty. Wilson responded by allying his forces with the FBI, creating a force of vigilantes called "Guardians of the Oglala Nation" (appropriately, "GOONS") to destroy the strength of AIM and the traditionalists. Wilson outlawed AIM activities on the reservation. The GOONS harassed, maimed and killed traditionalists at every opportunity, all the while being supplied with

See Leonard Pg.2

Continúa en la Pg.3

Pronóstico del Tiempo

Jueves	Parcialmente Nuboso	74°F máx 56° mín
Viernes	Parcialmente Nuboso	77°F máx 57° mín
Sábado	Parcialmente Nuboso	79°F máx 57° mín
Domingo	Parcialmente Nuboso	81°F máx 58° mín

Comunidad community

Computers

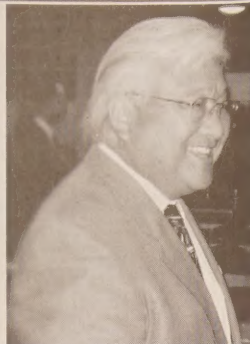
from page 1

\$1,800 laptop for your personal use during your sophomore, junior and senior years. All kinds of details had been anticipated and planned including insurance and security measures.

Parents were included as well as other members of the immediate family because this laptop was theirs to use at home. Parents agreed to sign a contract receiving their child's laptop. If lost or stolen, the parents agreed to pay the \$100 deductible. In addition, parents were encouraged to talk with their child regarding this tool and its access to the Internet.

Students receiving laptops are empowered by their access to the entire information age network now while attending high school. No doubt, they will work harder and longer in order to do all instructive activities that enable them to become computer literate.

This pilot project will be closely monitored by many other school districts because of its importance and potential in closing the digital divide which has been the subject of much discussion. Finally, one school district - ESUHSD - worked out a pilot project, allocated the funds and planned and initiated this effort at a cost of \$500,000. IBM agreed to provide this equipment at cost and technical support will be available 24-7.



By Hilbert Morales M.P.H.
El Observador Publisher

Congressman Mike Honda (D-15th Congressional District) was the featured speaker at the "Good Government Luncheon" sponsored by the Silicon Valley

A candid Honda speaks out

Manufacturing Group (SVMG) and Hewlett Packard Corporation (HP) on Monday, August 19. SVMG CEO Carl Guardino reminded all present that Bill Hewlett and William Packard had founded Silicon Valley Manufacturing Group and expressed gratitude for hosting this meeting attended by more than 150 people.

HP's VP Gary P. Fazzino then introduced Congressman Honda, as an able spokesperson for the many interests of Silicon Valley. Fazzino reminded all that Congressman Honda speaks English, Spanish and some Japanese thus being multilingual as is our community. After graduating from San Jose State University and serving two years in Latin America as a Peace Corps member, Honda began his teaching career here in San Jose. He has been a school board member, served on the

Board of Supervisors and now represents our 15th Congressional District. As a member of the House Committee on Transportation, Honda has been a successful advocate for obtaining federal funding for bringing BART down to San Jose.

Congressman Honda related how prior to 9-11, most national policy makers were focused on ground and air transportation congestion. After 9-11 national security became the highest priority, resulting in the formation of the Transportation Security Administration (TSA) which, as a group, became concerned not only with security issues, but also issues relating to personal privacy and the use of technology. The concerns of airport security were extended to seaports, electrical power grids, water supplies and natural gas and oil pipe lines. Also considered was the need for cyber infra-

structure and communications security.

In a question and answer segment, with respect to corporate scandals such as Enron and WorldCom, Honda believes corporate executives who withhold information needed by their stockholders and others should be punished. But, expect no knee-jerk reaction. Rather, we will experience a lengthy and thoughtful debate that will establish new standards for corporate behavior.

When questioned about the financial instability of airlines, Honda felt that a government partnership and formal establishment of a business relationship leading to loan guarantees might be a way to help engineer a successful transition to financial stability. Right now, airlines are experiencing diminished use and higher security costs. Δ

Leonard

from page 1

weapons and intelligence information by the FBI. Finally, to protect traditionalists from the terror of the GOON squads, Leonard Peltier and a group of a dozen others set up camp on the Jumping Bull Ranch, home to several traditional families. **Traditional Standoff**

On June 26, 1975, two FBI agents in unmarked cars pursued a red pickup truck onto the land. They were ostensibly looking for Jimmy Eagle, who had gotten into a fist-fight and stolen a pair of cowboy

boots. Upon arriving at the Jumping Bull ranch they suddenly began firing their weapons. Natives responded with gunfire and a shootout erupted. Within a couple of hours, over 150 FBI SWAT team members, BIA police and GOONs had surrounded the ranch. AIM member Joseph Killright was killed in the shootout. Two FBI agents also lay dead, believed to have been shot to death at point-blank range. Four Natives were indicted for the deaths of the agents. They included AIM leaders Dino Butler, Rob Robideau, Jimmy Eagle and Leonard Peltier. At trial,

Butler and Robideau were found not guilty and justified for returning fire in self-defense. They could not be tied to the point-blank shootings. The FBI then dropped charges against Eagle and concentrated on convicting Leonard Peltier.

The Unfair Trial

At Peltier's trial, the judge made rulings that severely handicapped the defense. Key witnesses were banned from testifying. The red pickup truck originally involved suddenly became a red and white van - a vehicle that Peltier sometimes drove. Critical records of radio transmissions were withheld. Years after the trial, a Freedom of Information Act suit released documents proving that the FBI had intentionally concealed ballistic reports that proved Peltier's alleged gun did not match bullet casings critical to his conviction. The jury never knew about these abuses and Peltier was unfairly convicted and condemned to two consecutive life sentences.

After many of these abuses surfaced, a new trial was demanded. During court proceedings the U.S. Prosecutor admitted "I can't prove who shot those agents." The court

found that Peltier might have been acquitted had evidence not been improperly withheld by the FBI. Still, a new trial was denied. Judge Heaney, who authored the decision, has since expressed firm support for Peltier's release through executive clemency. In 1993 Peltier requested clemency from President Clinton whom, despite saying he'd seriously consider the request, never took action.

Personal Memories of Leonard

Janelle Nieman (Indian Health Center, San Jose) who knew him when she was a child, remembers Leonard Peltier as a man with a rough face that revealed the hard times he'd known, but also with a mischievous, playful nature. "He always had the utmost respect for the elders, helping them with whatever they needed." She's never forgotten him patting her on the head when she was twelve and reminding her to always help others, particularly her Native elders. She reflected on his lesson "Don't worry too much when people try to harm your body, they cannot destroy your spirit. In truth, you are always free." <http://www.freepeltier.org.Δ>

Dypirone

de la página 1

Clara, Solano y Ventura.

Las leyes del estado prohíben la venta de estas drogas sin ser prescritas por un médico o profesional de la salud. El CDHS y los departamentos locales de salud están tomando una acción agresiva para hacer cumplir las leyes que prohíben la venta ilegal del dypirone y de otras drogas de la prescripción. Esta acción incluye el uso de agentes secretos para identificar a aquellos

que venden las drogas sin prescripción legal.

Si los consumidores tienen preguntas sobre la medicina dypirone o si un producto es una medicina legal, pueden llamar a CDHS al 1-800-495-3232.

CDHS aconseja a consumidores que obtengan cuidados de proveedores de cuidados médicos que puedan diagnosticar, tratar y recetar correctamente las medicinas apropiadas para sus condiciones médicas. ~

EL OBSERVADOR

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NAHP Member



Trazolot



Péndice Alida & SP



HACR



CHPA

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POR DAVID R. SMITH M.D., presidente, Texas Tech Medical Center

El Desayuno, esencial para empezar el día**Breakfast, an essential part of your day**

When your gas gauge is low, you know you need to put gas in your car or you won't make it to your next stop. You would not imagine trying to drive a car without gas and the same should be true for your body.

Rosie Saenz, a nutritionist at Texas Tech Medical Center, says one should never skip breakfast. "When you don't eat breakfast you basically deprive your brain of its energy source. Most people that skip eating in the morning usually feel more tired by lunch time."

Eating breakfast helps you think better. Studies have shown that students who eat breakfast actually have higher test scores than those who do not. Saenz said starting the day off by eating will help you think more clearly, plus make better decisions because your brain is getting the nutrients it needs.

If you are a person that is dieting, Saenz says don't think skipping breakfast will help you lose weight faster. "What happens is your body shifts into a starvation mode," says Saenz. "Your body knows it hasn't been fed and starts to store energy in your fat cells as a way to protect itself."

In the long run you end up using less energy, which slows down your metabolism and makes losing calories and weight more difficult. Saenz adds that you might even gain more weight by skipping breakfast.

If you are a person who says you are not

hungry in the morning and don't need food that early, it does not mean your body does not need breakfast. Your body has adjusted to not eating and no longer

has an appetite.

"If you say you are not hungry in the morning then that is OK. Breakfast does not have to be a big meal

Cuando el indicador de la gasolina indica que su auto necesita gasolina usted sabe que lo necesita para llegar a su destino. Es imposible imaginarse tratar de manejar el auto sin la gasolina, y lo mismo se puede decir del cuerpo humano.

Rosie Saenz, una nutricionista del Texas Tech Medical Center, dice que el desayuno no puede faltar. "Cuando usted no desayuna, básicamente le quita la fuente de energía a su cerebro. La mayoría de la gente que no desayuna, va a sentirse fatigada para la hora del almuerzo."

El desayuno nos ayuda con el proceso de concentración. Investigaciones han mostrado que los estudiantes que desayunan obtienen altas calificaciones o notas

que a los que no desayunan. Saenz dijo que comenzar el día desayunando ayuda en la concentración y en pensar con mejor claridad, y además, hacer mejores decisiones porque el cerebro recibe la nutrición necesaria.

Si usted está en dieta para perder peso, Saenz dijo que no debe creer que evitando el desayuno le ayudará perder peso más rápido. "Al contrario, lo que ocurre es que el cuerpo se adapta al cambio como si estuviera hambriento," dijo Saenz. "Entonces su cuerpo sabe que le falta nutrición y comienza a reservar energía en las células de grasa como una manera de protegerse."

A la larga, usted gasta menos energía, lo cual causa que el metabolismo funciona más despacio haciéndose más difícil la pérdida de calorías y peso. Saenz añade que usted aun podía subir más peso

al no desayunar.

También añade que si usted dice que no tiene hambre por la mañana y que no necesita alimentarse tan temprano, no quiere decir que su cuerpo no necesita desayunar. Su cuerpo se ha ajustado a no comer y no muestra apetito.

"Si usted no tiene hambre por la mañana, está bien. El desayuno no tiene que consistir de una comida grande de huevos, pan tostado, tocino, fruta y jugo," dijo Saenz. "Antes de salir al trabajo o a la escuela debe tomar un vaso de jugo o de leche; esto es mejor que nada." Si usted es alguien quien no desayuna, empiece desayunar hoy. Saenz dijo que con el hecho de desayunar por una semana, usted y su cuerpo empezarán a desearlo.

El desayuno le ayudará a funcionar mejor. Saenz dijo que la falta de comer algo le bajará los niveles del azúcar en la sangre, lo cual puede conducir un dolor de cabeza, el mareo y hasta confusión. Ella sugiere tomar algún jugo y algún bocado para aumentar el nivel del azúcar en la sangre. "No se debe tratar de funcionar sin energía todo el día, empiece el día con el desayuno." ~

you are not a breakfast eater, start eating it now. If you give yourself a week of eating breakfast, you and your body will start to want it."

Breakfast will make you function better. Saenz says that not eating anything will make your blood sugar

drop too low, which can give you a headache, make you feel dizzy or even confused. She suggests drinking some juice and then a snack to bring your blood sugar back up. "You don't want to run on empty all day, start the day off with breakfast." Δ

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en éstos artículos y más
antes que regresen a clase

Contacto Mundial

bordado río Elba llegó el domingo a su máximo nivel en la ciudad alemana oriental de Magdeburgo y obligó a evacuar la zona ribereña, aunque no amenazó el resto de la capital estatal pese a que las crecidas han dejado una estela de devastación río arriba.

ISRAEL - PALESTINOS
Palestinos comienzan a patrullar Belén tras retirada israelí

BELEN, Cisjordania - La policía palestina patrullaba las calles de Belén el martes luego que se retiraran las fuerzas israelíes, como parte de un acuerdo que podría llevar a más repliegues israelíes de zonas palestinas en la Margen Occidental.

EEUU - TERRORISMO, VIDEOS
CNN: video muestra a bin Laden amenazando a EEUU

ISLAMABAD, Pakistán - La cadena noticiosa CNN transmite el martes una segunda serie de videos que dice haber obtenido de la red terrorista al-Qaida. En ellos, se ve a Osama bin Laden poco antes de los ataques contra las embajadas de Estados Unidos en Kenia y Tanzania, amenazando con lanzar una misión que "resultará en la matanza de norteamericanos para deshacernos de ellos."

Periodo de avisos gratis es la esperanza de candidato oficialista brasileño RIO DE JANEIRO - El candidato presidencial oficialista José Serra, que va perdiendo en las encuestas, busca aprovechar a partir del martes el periodo de avisos gratuitos en radio y televisión para tratar de evitar una victoria de la oposición en las elecciones en octubre. Δ

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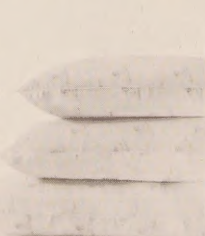
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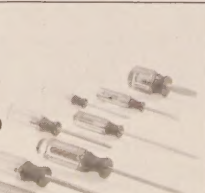
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Se muestra: equipaje Forecast Charleston 2. Elige la maleta vertical de 21 pulgs. con maletín, #94200, maleta vertical expansible de 25 pulgs., #94201, o maleta vertical de 29 pulgs., #94202. Cada uno, reg. 59.99, oferta 29.99



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Calendario de eventos

Find out what's hot in your community

ART

Cabinets of Curiosities

Through August 24. Experience the spiritual lives of four San Jose collectors: Erin Goodwin-Guerrero & Genaro Guerrero, Father Jose Antonio Rubio, Mimi & Fritz Stillger and Eva Terrazas. The exhibition is on display at MACLA, located at 510 S. First Street in San Jose. Gallery hours are Wednesdays and Thursdays from noon to 7 p.m., and Fridays and Saturdays from noon to 5 p.m. Admission is free. For more information, call (408) 998-ARTE.

Parallels and Intersections: Art/Women/California 1950-2000

Through November 3. A compelling range of work produced by more than 90 women artists who worked in California during the last half of the 20th Century. The exhibit is currently at the San Jose Museum of Art. Admission is free. For more information, call (408) 294-2787 or visit www.sjmusart.org.

EDUCATIONAL

Grupo de Ayuda para Pacientes con Lupus

24 de agosto. La Fundación de Lupus del Norte de California estará presentando el primer grupo de ayuda gratuita el sábado, 24 de agosto de 2 a 4 p.m. en la biblioteca de Gilroy, 7387 Rosanna Street. Este grupo ayudará a los pacientes con Lupus a relatar experiencias y a hacer amistades con otras personas con Lupus. Para mayor información, llamar al (408) 842-1893.

Alice's Wonderland: A Most Curious Adventure

Through September 2. The Children's Discovery Museum is celebrating the opening of a new science exhibit, Alice's Wonderland: A Most Curious Adventure. Cheshire Cat grins will glow in the make-up room, messages will disappear when written with invisible ink and everyone who is late for a very important date will make a White Rabbit Watch this weekend. Admission is \$6 - \$7. For more information, visit www.edm.org.

Imagination Playground
Through January 5, 2003. We all need to exercise our imaginations. Playing with technology is a great way to stretch your mind and prepare yourself to be an innovator of tomorrow. Imagination Playground, a new exhibition created by The Tech Museum of Innovation in San Jose, features unique high-tech play experiences that'll give any imagination a workout. Admission is \$7 - \$9. For more information call (408) 294-TECH or visit www.thetech.org.

Clase de Padres

¿Le gustaría mejorar la comunicación con sus hijos? ¿Necesita ideas para resolver problemas de disciplina con los niños? ¿Le gustaría aumentar el auto-estima de sus hijos y mejorar su relación con ellos? El YWCA y el Centro de Recursos Comunitarios Grail ofrecen un curso GRATIS en español que le ayudará a ser padre más positivo. El curso se dictará todos los jueves de 7 a 9 p.m. por 10 semanas. Habrá cuidado de niños disponible. Para más información, por favor llame a Catalina al (408) 347-7892.

Clases de computación en español

El Centro de Recursos Comunitarios Grail ofrece varias clases de computación en español. Para más información comuníquese al (408) 347-7892.

Computer Classes

FREE. Five Days a week Mon. & Tues. 4:30 p.m. - 6 p.m., Thurs. & Fri. 4:30 p.m. - 6 p.m., Closed Wednesday, Saturday 10:30 a.m. - noon. Eastside Neighborhood Center, 2150 Alum Rock Ave., San Jose. For more information call (408) 251-0215.

Citizenship Classes

Saturday 9 a.m. - 12 p.m., Tuesdays 7 p.m. - 9 p.m. Bilingual (English/Spanish). Eastside Neighborhood Center, 2150 Alum Rock Ave., San Jose. For more information call (408) 251-0215.

Citizenship Application Assistance

If you have had your green card for five years or more you may be eligible to become a citizen. If you have any questions or

would like to set up an appointment to receive free citizenship application assistance, please call the Sacred Heart Community Service office at (408) 278-2169.

Ciudadanía

Usted puede solicitar su ciudadanía Americana si ha tenido su "mica" (green card) por 5 años o más. Si usted tiene preguntas o quiere hacer una cita para ayuda gratuita con su aplicación de ciudadanía, favor de llamar al Servicio Comunitario de El Sagrado Corazon al (408) 278-2169.

Free Acting Workshops for Youth and Theatrical Performance Opportunity

Teatro Familia Aztlan and the San Jose Multicultural Artists' Guild offer a free acting and theatre workshop program called the Multicultural Youth Outreach Theatre Project on Thursdays from 6 - 8 p.m. and Saturdays and Sundays from 2 - 5 p.m. The program provides creative forms of cultural and artistic expression for youth of all ethnic cultures, ages 15 to 19. Participating youth will have the opportunity to earn money through acting stipends and scholarships. Participants will learn acting and voice projection techniques, music and dance as well as improvisation and script development. MACSA Youth Center, 660 Sinclair Avenue, San Jose, to sign up call (408) 275-0938.

MUSIC AND THEATER

Music in the Park

Enjoy downtown San Jose's popular free music series in beautiful Plaza de Cesar Chavez Park. The annual "after work" concert series offers nine weeks (July 11 - September 5) of outstanding, free entertainment every Thursday from 5 to 8:15 p.m. August 22 Reggae, "Reggae Revolution" sponsored by MIX 106.5 August 29 Contemporary Rock, "Luce" sponsored by KFOG 97.7/104.5 September 5 Latin Jazz, "Pete Escovedo" sponsored by KBRG 100.3 For more information call (408) 279-1775, ext. 42 or log on to www.sjdowntown.com.

Music After Dark

Music After Dark is downtown's new nine-week summer concert series. Held each Thursday evening through September 26, Music After Dark's free performances take place on historic Post Street, between Market and First. Providing a relaxing end to a downtown summer night, the evening festivities begin at 8 p.m. as Melo's Music in the Park wraps up in nearby Plaza de Cesar, with Music After Dark ending at 10 p.m.
Aug. 22 J.C. Smith Band, Blues
Aug. 29 Incendio, Flamenco
Sept. 5 The Boneshakers, Blues

Sept. 12 The Hit Men, Classic hits
Sept. 19 Sabrosito, Latin folk rock
Sept. 26 Lady Bo and the BC Horns, Rhythm and blues
For more information, e-mail MusicAfterDark.com or call (408) 961-5816.

Dancing in the Street 2002

August 25. More than 30 DJ's on five stages spin various styles of dance music. Festivities also include food, crafts, and game booths. Produced by SOBAD and benefiting Visual Rhythm Dance Company. Dancing in the Street 2002 will take place on Post Street between First and Market Streets in San Jose from noon to 10 p.m. Admission is \$10. (18 and over) For more information call (408) 277-0111.

Pepe Aguilar In Concert

August 31. Tickets are on sale now. The concert will be held at the Compaq Center in San Jose from noon to 10 p.m. Admission is \$10. (18 and over) For more information, call (408) 287-9200.

Hotel De Anza's Live Jazz Series

Through August 31. Enjoy the Hedley Club Lounge inside Hotel De Anza every Wednesday and Thursday at 7 p.m. and Friday and Saturday at 8:30 p.m. for an evening of live performances. Hotel De Anza is located at 233 West Santa Clara Street. Admission is free. For more information call (408) 286-1000.

IMAX: Space Station

Through September 9. Experience outer space within The Tech Museum of Innovation's IMAX Dome Theater, a giant eight story domed screen with six-channel, digital wrap around sound. The Space Station will take you to the heart of the action as the daring astronaut construction crews put together the largest and most complex structure ever assembled in space. Inside, float alongside the first men and women to inhabit the new station while they set up house, add new modules and perform scientific experiments, all while experiencing the thrill of life in zero-gravity. Admission is \$9 - \$11. For more information and show times, visit www.thetech.org.

SPECIAL EVENTS

Huge Discounts on Great America, Raging Waters and Camera Cinemas

For the month of August 2002, Healthy Kids has teamed up with Paramount's Great America, Raging Waters, and Camera Cinemas for its 2nd annual fundraising promotion. For every admission ticket sold, with a redeemed coupon, a donation will be made to the Healthy Kids Fund. The Healthy Kids Fund raises money for Healthy Kids, a full service insurance program of the Santa Clara Family Health Plan. Healthy Kids is committed to providing health insurance for every uninsured child in Santa Clara County. Coupons offer: \$16 off general admission (ages 7-59) and \$10 off a child's admission (ages 3-6 or under 48") at Paramount's Great America, \$8 off the \$24.99 general admission at

Raging Waters, \$3.25 off the \$8.75 ticket, Sunday through Thursday only at: Camera One, Camera 3, Towne 3, Los Gatos Cinema and the new Camera 7 at the Pruneyard Shopping Center. Clip the money saving coupon from the following sources:

The San Jose Mercury News
Log on to www.chikids.org or www.healthykidsfund.org
Paramount's Great America coupons are also available in every store in the Great Mall.

In Flux

Come experience the San Jose Museum of Art's hottest new program for younger adults. Enjoy hip, eclectic programs on the first Friday night of every month, live music, DJs, poetry and other on-the-edge experiences. Performances are accompanied by funky drinks at a no-host bar, light snacks, and new art in the galleries. All attendees receive a Fluxpass good for free cover the Agenda Lounge (same night only). For more information call (408) 294-2787 or visit www.sjmusart.org.

Borges: The Time Machine/La Máquina del Tiempo

Through September 1. Author Jorge Luis Borges left an indelible mark on literature of the 20th century. Borges: The Time Machine/La Máquina del Tiempo - an exhibition at the San Francisco Main Library's Skylight Gallery - presents an accessible and intimate look at Borges and his work. Featuring over 180 items including handwritten letters, manuscripts, photographs, and other primary resources the exhibition documents all aspects of Borges' life and gives a glimpse into his creative process and the cultural and political climate of his time. The Skylight Gallery is located on the sixth floor of the San Francisco Main Library, 100 Larkin Street at Grove. All programs at the library are free. For more information call (415) 557-4277.

26th Annual Almaden Valley Art & Wine Festival

September 22. The Almaden Valley Women's Club presents the 26th Annual Almaden Valley Art & Wine Festival. Voted one of the best community festivals in San Jose, highlights of this free, family-oriented festival include a juried arts and crafts show, non-stop entertainment on two stages, children's rides and amusements, culinary delights, premium wines from local vintners, and beers from select microbreweries. Last year an estimated 23,000 people attended this community event. All proceeds from the festival are returned to the local community. The festival will be held in Parma Park on Camden Avenue between Meridian and Almaden Expressway in San Jose from 10 a.m. to 6 p.m. For more information visit www.almadenartwinefestival.com.

Downtown Farmer's Market

Through December 20. Colorful flowers, gourmet foods and fresh fruits and vegetables are offered by more than 35 California certified growers each Friday at San Jose's Downtown Farmers' Market at San Pedro Square. Sample specialty dishes from downtown's finest restaurants the first Friday of the month and enjoy special events and live music throughout the season. The Farmer's Market at San Pedro Square is held from 10

a.m. to 2 p.m. A San Jose Downtown Association production, the market is located on San Pedro Street between Santa Clara and St. John Streets. For more information call the San Jose Downtown Association at (408) 279-1775, extension 40.

VOLUNTEERS

24-Hour Crisis Line Needs Volunteers

The Rape Crisis Center of the YWCA in Santa Clara Valley needs dedicated volunteers for its 24-hour crisis line. Volunteers must complete the 40-hour state certified training, which begins September 10th. Crisis line advocates provide crisis counseling and emotional support for survivors of assault and their family members, as well as information and referral for the community. To volunteer or for additional information, call the YWCA at (408) 295-4011 ext. 233.

Child Abuse Prevention Center Needs Volunteers

Are you interested in making a difference in the lives of abused and neglected children of all ages in Santa Clara and San Mateo Counties? The Child Abuse Prevention Center, whose focus is to ensure the physical and emotional safety to children, is recruiting Speaker's Bureau volunteers to teach child abuse prevention and personal safety to children and adults. Presentation training will be provided. Bilingual and bicultural volunteers are encouraged to share their talents with any agency program. Training class for all volunteers will be held November 3rd from 9 a.m. to 3 p.m. in San Jose. For more information call (408) 441-5198.

People with Arthritis Can Exercise (PACE) - Volunteers Needed

The Arthritis Foundation, Northern California Chapter will be offering one and one-half days of training for those who have an interest in becoming a PACE leader volunteer. As a PACE leader volunteer you will be trained to provide information and guidance of proper exercise techniques to people with arthritis. The program is designed to increase range of motion, not replace the care of their health professionals. The first day of training will be held on November 10 from 9 a.m. until 5 p.m. at the Cypress Senior Center, 403 South Cypress Avenue in San Jose. For more information call 1-800-624-6240.

Be a Part of the Solution, Be a Mentor!

The Connections and Turning Point Program of ARCC is currently seeking mentors for the 2001-02 school year. Connections and Turning Point provides mentors for youth ages 13-18 in East San Jose. Mentors provide one on one coaching to support youth in attaining their goals. To find out more about how to become a volunteer please call: John Anyosa, Volunteer Coordinator, at (408) 294-0500 ext. 14 or e-mail him at janyosa@alumrockcc.org.

Volunteer Opportunities

The Centre for Living with Dying needs compassionate volunteers to provide emotional support for people coping with death, grief, loss or trauma. A comprehensive training program is offered. For more information or to request an application call (408) 980-9801.

metro's MUSIC IN THE PARK

2002



AUG 22

FEATURED ARTIST:

Reggae Revolution

MIX 106.5 - REGGAE

SUMMER CONCERT SCHEDULE

JULY 11 Eek-A-Mouse
93.3 THE WAVE - REGGAE
JULY 18 Roomful of Blues
B 94.5 - BLUES
JULY 25 Dave Meniketti
KSJO 92.1/92.3/92.7 - ROCK
AUG. 1 Long Gon Bon
KSJO 92.1/92.3/92.7 - ROCK
AUG. 8 Mike "Spiderman" Robinson
KBLX 102.9 - JAZZ
AUG. 15 Stroke 9
CHANNEL 104.9 - ALTERNATIVE
AUG. 22 Reggae Revolution
MIX 106.5 - REGGAE
AUG. 29 Luce
KFOG 97.7/104.5 - CONTEMPORARY ROCK
SEPT. 5 Pete Escovedo
RADIO ROMANTICA 100.3 - LATIN JAZZ

IN ASSOCIATION WITH APPLIED MATERIALS

Park free downtown after 6 p.m. in selected lots and garages, or ride VTA Light Rail to the Park. No cans or bottles in the Park.

FREE THURSDAY CONCERTS

July 11 thru Sept. 5
5 to 8:15 p.m.

Plaza de Cesar Chavez Park

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Damian Trujillo
Courtesy of Comunidad del Valle
Sundays 5:30 AM
News Channel 11 • NBC3

And Now Here's What's Happening in your comunidad... QUE PASA...

- Corridos Sin Fronteras Exhibit @ Mexican Heritage Plaza San Jose 800-MHC-VIVA
- Zoot Suit Auditions By El Teatro Campesino Auditions Now! www.elteatrocampesino.com
- CET 35th Anniversary Celeb. With El Teatro Campesino Aug. 17 6PM CET San Jose 800-533-2519
- UFW 40th Anniversary Celebration Convention Aug. 31-Sept. 1 Fresno 661-725-9730 www.ufw.org
- "Substance of Choice" Emerging Latina Artists Exhibit at Galeria de la Raza San Francisco www.galeriadelaraza.org

San Jose's 2nd Annual POW WOW
10 AM to 10 PM

Keeping the Traditions

Roosevelt Park
901 E. Santa Clara St.
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All Drums & Dancers Welcome
For Vendor Information: Marion Linton 408 258-6226
email: etncha47@aol.com

**** THIS IS A DRUG, TOBACCO & ALCOHOL FREE EVENT ****

Head Staff: TBA
Grand Entry 1 PM & 7 PM
Gourd Dancing 11 AM & 6 PM

Entertainment **Entretenimiento**

ARIES:

(March 21-April 20)
Any family squabbles may come as a result of tensions. Be at your best and don't let anyone spoil your upbeat mood. Once harmony is restored, turn your attentions to making plans with a few good friends. You are inclined to be jealous and possessive of a mate - stay cool.

TAURUS:

(April 21 - May 21)
Think before you speak. That temper of yours may flare without any provocation. Your idealistic side usually wins out, so try real hard to follow your dreams. Hopefully something that has been bothering you for the last several months is now gone for good.

GEMINI:

(May 22 - June 21)
A friend of yours has a serious problem and is relying on your help to come up with a solution, so think fast. The week will go by pretty smoothly for it will have plenty of variety. At least you won't have to worry about getting bored.

CANCER:

(June 22 - July 23)
It's time to take a serious look at the romance in your life. Ask yourself if your expectations are realistic. Try not to take life too seriously and have fun with those you love. You tend to accomplish a lot and everyone around will catch your enthusiasm.

LEO:

(July 24 - August 23)
This week brings a welcome relief from recent pressures, so spend time with those you love. Your strong ego may get you in hot water with a mate, and those old feelings of whether you've made the right choice or not are going to surface again. Your plans for the future are very realistic.

VIRGO:

(August 24 - September 23)
If you feel that your friends have been difficult to deal with lately, perhaps you should take a good look at yourself. Listen to what a loved one has to say about your personal life, there is more merit there than you are willing to admit. Start improving things on the job.

LIBRA:

(September 24 - October 23)
People close to you are charming and agreeable, but not very good about keeping promises, so be realistic at all times. Share some of your more creative ideas with someone who can take them one step further, in a practical way. Keep an eye on the food you're eating.

HOROSCOPES

By Miss Anna and Walter Peña

SCORPIO:

(October 24 - November 23)
All you want this week is peace and quiet, but it seems like everyone needs to speak or be with you. Find time to sneak off on your own. Your feelings for a lover are intense, so try and remain as realistic as possible. Concentrate on organizing family matters that need your attention.

SAGITTARIUS:

(November 23 - December 21)
The focus is on your private life for the next month or so. This time you may find it easier to sort out old misunderstandings. Don't take any risks with your money right now, you may regret it. You can accomplish a lot if you move ahead with confidence and grace.

CAPRICORN:

(December 22 - January 20)
Finish up with routine projects at work or at home as opposed to starting new ones. You will do best with what's familiar right now. You tend to worry about money, so just be extra careful about how and where you spend. With your delightful charm you may get just what you need.

AQUARIUS:

(January 21 - February 19)
Even though you try your best to please everyone, you won't be very successful. Maybe you should try to please yourself. You are going to be more thoughtful and introspective than usual. Let your thoughts move to spiritual matters. You have a strong need to help and serve humanity.

PISCES:

(February 20 - March 20)
The people you care about are very receptive to your ideas right now. That's the kind of support you really need. When it comes to your home life, things have been going in ten different directions, it's time to get organized. Get out and mix with new friends.

IF THIS WEEK IS YOUR BIRTHDAY: Now is the time to review projects and former decisions. Restructuring will be important at this time. It's also ripe for wise investments and business dealings. Some of your most cherished beliefs about security may be tested in the coming year. Δ

ARIES

21 de marzo - 19 de abril
Mantenga un perfil bajo hasta mediodía y luego será libre para hacer lo que más le guste. La interacción con quien cree en lo mismo que usted será gratificante.

TAURO

20 de abril - 20 de mayo
Su mente se concentrará en la filosofía y en cambiar de actitud para dar una nueva orientación a la vida. Revise dos veces todo y sea honesto con usted mismo.

GEMINIS

21 de mayo - 20 de junio
Lo llamarán para que se haga cargo de responsabilidades ajenas. Apresérese así no perderá la oportunidad de divertirse. Elija sus compañías con cuidado.

CANCER

21 de junio - 22 de julio
Si deja que afloren sus emociones, se le volverán en contra. Si alguno hace algo desagradable, haga la vista gorda. No es momento de expresar su opinión con demasiada franqueza.

LEO

23 de julio - 22 de agosto
Si le interesa alguna persona tome la iniciativa para conocerla mejor. Puede tratarse de su vida personal o profesional, de todos modos ocúpese. Ganará dinero extra.

VIRGO

23 de agosto - 22 de septiembre
Si pone en marcha sus ideas creativas, se sentirá satisfecho con usted mismo, con sus habilidades y con el futuro. No preste dinero a amigos si desea conser-

varlos.

LIBRA

23 de septiembre - 22 de octubre
Tiene que hacer cambios que le traerán paz y armonía a su vida personal. En lo profesional debe marchar por un camino que le de remuneraciones razonables.

ESCORPION

del 23 de octubre - 21 de noviembre
Rodéese de personas en las que pueda confiar y podrá protegerse usted y sus intereses. Los amigos serán su mejor inversión. Piense en planes futuros.

SAGITARIO

22 de noviembre - al 21 de diciembre
Haga proyectos para salir y disfrutar de lo que desee. Tiene ganas de tratar un tema que concierne a la pareja o la familia. Use su encanto.

CAPRICORNIO

22 de diciembre - 19 de enero
Hoy entra en una fase empresaria, no la desperdicie. Si tiene buenas ideas para los negocios, póngalas en práctica. No se ocupe por ahora de lo emocional.

ACUARIO

20 de enero - 18 de febrero
Le será difícil concentrarse. Mantenga sus secretos personales para usted y evitara intervenciones innecesarias. Espere y analice sus motivos.

PISCIS

19 de febrero - 20 de marzo
La capacidad de ver ambos lados de un conflicto le permite tomar la decisión que más le conviene. Su paciencia y comprensión aumentan su reputación.

PARA LOS NACIDOS EN ESTA SEMANA:

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Ricky Martin prepara su retorno a los escenarios

Luego de retirarse de los escenarios por un tiempo, el exitoso cantante puertorriqueño Ricky Martin prepara su pronto retorno para consolidar su posición en el mundo de la música.

El anuncio fue hecho al diario local El Vocero, por Angelo Medina, representante del intérprete de "Livin' la vida loca", quien participó la semana pasada en San Juan en la I Conferencia Internacional sobre la Paz y el Desarrollo.

"Ricky Martin, en esta etapa, regresa a lo que llamamos a darle continuidad a esa primera fase gloriosa en su vida artística, como lo han hecho todos los grandes que han marcado la historia. Nosotros la dirigimos a fortalecer su posición y su lugar en el mundo", expresó.

Consideró como un reto retomar la carrera de Martin, porque éste "alcanzó lo que llamamos niveles de una celebridad y un artista clásico. Los recesos son necesarios para su parte humana y para su parte de que el mercado vuelva a solicitarlo". ~



Elle MacPherson Expecting a Baby

LONDON (AP) - Model and actress Elle Macpherson is expecting her second child in February.

The 39-year-old and her Swiss fiancé, Arpad Busson, said in a statement Tuesday they were "thrilled" to be expecting a sister or brother for their 4-year-old son, Flynn. The couple, who live in London, got engaged this year.

The 6-foot-tall Australian-born model, nicknamed "The Body" during her career, has also had a series of film and television parts. She starred opposite Hugh Grant in the 1994 film "Sirens" and had a recurring role in the TV comedy "Friends."

One of the world's top-earning supermodels in the 1990s, she's largely retired from modeling in the last few years, declaring in 1999, "I'm too old for that." She has her own line of lingerie, Elle Macpherson Intimates.

Two years ago Macpherson told the British magazine "Hello!" that she'd like to have as many as three or four children, calling motherhood her "greatest achievement." Δ

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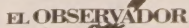
Exit at Santa Clara or St. James Station and walk two blocks to San Pedro Square.

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Santa Clara Valley Water District



Leonardo DiCaprio Rallies for Environment



"Mr. Bush, we're asking for your support, to be the president that looks towards the future," DiCaprio said Monday at a rally organized by Global Green USA, an affiliate of Green Cross International.

Bush hasn't said whether he'll join some 100 world leaders, including British Prime Minister Tony Blair, Mexican President Vicente Fox and French President Jacques Chirac, at the summit.

The 27-year-old "Titanic" star also complained that the Bush administration has opted out of the Kyoto Protocol, an international climate treaty with mandatory controls for industry "despite the fact that we are the biggest economy and the biggest polluter."

White House environmental experts have said the agreement would cost the U.S. economy billions of dollars and millions of jobs.

LOS ANGELES (AP) - Calling the United States the world's biggest polluter, Leonardo DiCaprio urged President Bush to make a statement in favor of the environment by attending the Earth Summit in Johannesburg, South Africa, later this month.

Exigen a cantante de N'Sync que pague si quiere ser astronauta

MOSCU (AP) - La agencia espacial rusa le dio cinco días al cantante Lance Bass del grupo 'N Sync para que pague un viaje que piensa realizar a la estación espacial internacional a fines de este año, informó un portavoz el lunes.

Konstantin Kreidenko, vocero de la agencia, dijo que si Bass no paga el viernes a más tardar, no se le permitirá participar en la misión, programada para iniciarse el 22 de octubre. Se dice que un "viaje de turista espacial" como ese cuesta unos 20 millones de dólares.

Bass, quien espera ser el tercer

turista en viajar a la estación, ha estado entrenando desde julio en Zvyozdny Gorodok, el centro ruso para cosmonautas en las afueras de Moscú. El cantante, de 23 años, será la persona más joven que haya viajado al espacio.

Los seguidores de Bass han culpado a problemas burocráticos por el retraso en la transferencia del pago a Rusia. David Krieff, un productor de televisión de Los Angeles que planea realizar una serie televisiva sobre el viaje del cantante, dijo que hasta ahora ha conseguido a tres patrocinadores.

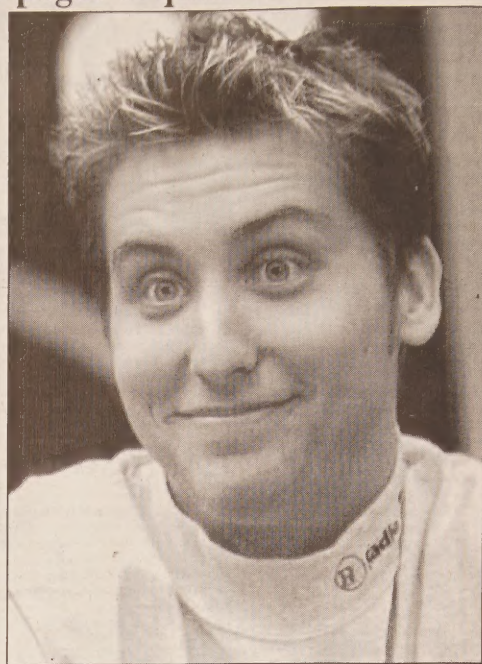
'N Sync's Lance Bass Given Space Deadline

MOSCOW (AP) - The Russian space agency has given 'N Sync singer Lance Bass five days to come up with payment for a trip to the international space station this fall, a spokesman said Monday.

Konstantin Kreidenko, spokesman for the agency, said that if payment is not received by Friday, Bass will not be permitted to take part in the mission, which is scheduled to begin Oct. 28. The price tag for such a "space tourist trip" is said to be about \$20 million.

Bass, who is hoping to be the third tourist to travel to the station, has been training since July at Star City, the Russian cosmonaut center outside Moscow. Bass, 23, would be the youngest person yet in space.

Bass' supporters have blamed paperwork problems for the delay in transferring payment to Russia. David Krieff, a Los Angeles television producer who plans a series about Bass' trip, said he has



lined up three sponsors so far who have committed between \$5 million and \$15 million each.

Lance Bass
AP Photo

Robert De Niro to Sue Over Photo

NEW YORK (AP) - Robert De Niro filed notice of a \$1 million lawsuit Monday over a photograph of him and fellow actor Sean Penn blowing out their birthday candles at a private party last year.

De Niro and Penn share the same birthday - Aug. 17. De Niro was celebrating his 58th birthday and Penn his 41st at a rooftop party at De Niro's loft in the lower Manhattan neighborhood of TriBeCa.



A photograph of the two actors was offered for sale by photo agency Celebrity Vibe, and appeared in at least one newspaper and one national magazine, said De Niro's lawyer, Tom Harvey, who filed initial paperwork in the case in Manhattan Supreme Court.

"Our contention, as we hope to prove in the lawsuit, is that someone snuck into a private residence and took unauthorized pic-

tures for profit," Harvey said.

Jeffrey Boyard, a co-owner of Celebrity Vibe who is named in the legal filing, said the agency did nothing wrong. "Our photographer was invited," he said.

De Niro won a best-supporting Oscar for 1974's "The Godfather: Part II" and a best-actor Oscar for 1980's "Raging Bull." Penn's films include "I Am Sam," "Sweet and Lowdown" and "Dead Man Walking." Δ

CINE

Almodóvar estrena película en Toronto

(AP) TORONTO - Con el estreno de películas de Pedro Almodóvar, Todd Haynes, Neil Jordan y Atom Egoyan, entre otros, abrirá sus puertas el 5 de septiembre el Festival Internacional de Cine de Toronto, que este año tendrá varias actividades dedicadas al aniversario de los ataques terroristas en Nueva York.

Un año después de que la tragedia del 11 de septiembre interrumpiese el festival, los organizadores del certamen planean exhibir dos cintas sobre los hechos.

El director del festival, Piers

Handling, anunció el martes la programación oficial de la muestra, que se realizará del 5 al 14 de septiembre. Entre los planes está suspender las actividades del festival en la mañana del 11 de septiembre, y realizar después dos proyecciones con fines caritativos.

Una será la película de Jim Simpson "The Guys", versión cinematográfica de una obra sobre un capitán de bomberos que perdió a ocho de sus hombres el 11 de sep-

tiembre y la editora que le ayuda a escribir sus elegías.

La otra proyección será "11/09/11", una compilación de 11 documentales cortos sobre el día de los ataques, cada uno con duración exacta de 11 minutos, nueve segundos y un cuadro.

El año pasado, el festival canceló todos los eventos para el día siguiente a los ataques contra el World Trade Center y el Pentágono.

Handling anunció el martes las

últimas adiciones al calendario del festival, incluyendo "Hable con ella", de Almodóvar; "Far From Heaven", de Haynes; "City of Ghosts", de Matt Dillon; y "Auto Focus", de Paul Schrader.

Entre las cintas anunciadas previamente están "Ararat", de Egoyan, abriendo el festival; "Antwone Fisher", el debut como director de Denzel Washington; "Julie Walking Home", de Agnieszka Holland; y "El Bonaerense", de Pablo Trapero.

Gloria Estefan será presentadora del Grammy Latino

(AP) SANTA MONICA, CA - La cantante cubana Gloria Estefan y el actor Jimmy Smits serán los presentadores en la tercera ceremonia de entrega del Grammy Latino, que se realizará el mes próximo en Hollywood.

Ambos ya habían formado dúo en la inauguración del evento, en el 2000, junto al actor de origen cubano Andy García y la cantante y actriz Jennifer López.

Smits iba a ser el presentador el

año pasado junto a la cantante pop Christina Aguilera, pero los ataques del 11 de septiembre obligaron a la cancelación de la ceremonia.

Smits, cuyos padres son de Puerto Rico y Suriname, es conocido por su trabajo en las series televisivas "L.A. Law" y "NYPD Blue".

Estefan es considerada como una de las artistas latinas más exitosas. Ha ganado un Grammy Latino, así como tres premios

Grammy, el máximo galardón de la industria discográfica de Estados Unidos.

El colombiano Carlos Vives logró la mayor cantidad de nominaciones para este año con seis, mientras que la legendaria estrella de la salsa Celia Cruz obtuvo cuatro postulaciones.

La ceremonia se llevará a cabo el 18 de septiembre en el Teatro Kodak de Hollywood.

Perez Plays Abused Wife in TV Play

LEXINGTON, Ky. (AP) - Actress Rosie Perez was in for a surprise when she arrived at Lexington's KET studio to co-star in a PBS adaptation of "Poof!"

"You know all the stereotypes about the South and Kentucky ...," she said.

"At first I was wondering, 'Oh my gosh, what's this crew going to be like and everything?' I felt so stupid because I walked into this fully-equipped, fully-professional, well-awarded studio. I was such a jerk," Perez said. "I have never experienced a tighter, faster crew than this one. They're just great."

Perez plays an abused housewife in Lynn Nottage's one-act play, "Poof!" had its premiere at Actors



Rosie Perez Mark Lennihan photo

Theatre of Louisville in 1993 and went on to win the Heideman Award.

Perez's character, Loureen, escapes abuse after she damns her husband to hell and he spontaneously combusts, leaving a pile of ash on the kitchen floor. Co-starring Tony Award winner Viola Davis, KET's production will air nationally on PBS stations next year in high definition. Filming concluded this week.

"I have never been a victim of domestic violence," Perez said, "but I am in tune with women's issues." She has been visiting centers for abused women for several years.

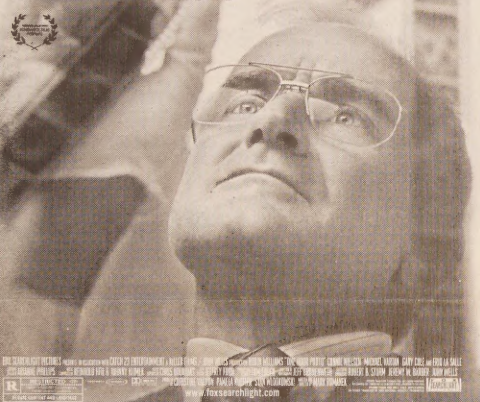
"The first time I went to this place in Manhattan, and I was like, 'This is so sad.' I saw what being brutalized by a man can do." Δ

"Robin Williams' finest hour"

"a haunting performance by Robin Williams"

Robin Williams

OneHourPhoto



FOX SEARCHLIGHT PICTURES

EL OBSERVADOR

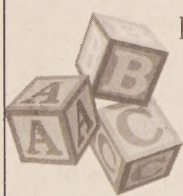
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Passes given away on a first come, first served basis, while supplies last. No purchase necessary.

THIS FILM IS RATED "R". Please note: Passes received through this promotion do not guarantee you a seat at the theatre. Seating is on a first come first serve basis. Except for members of the reviewing press. Theatre is overlooked to ensure a full house. No admittance once screening has begun. All federal, state and local regulations apply. A receipt of ticket delivery and all risks related to use of ticket, and accepts any restrictions required by ticket provider. Fox Searchlight Pictures, El Observador and their affiliates accept no responsibility or liability in connection with any loss or accident incurred in connection with use of a pass. Tickets cannot be exchanged, transferred or redeemed for cash, in whole or in part. We are not responsible for any reason, winner is unable to use higher ticket in whole or in part. Not responsible for lost, delayed or misdelivered tickets. All federal and local laws are the responsibility of the winner. Void where prohibited by law. No cash back necessary. Participating sponsors their employees & family members and their agencies are not eligible.

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Community Child Care Council of Santa Clara County



América latina

News Briefs

First shipment of brand-name American food arrives in Cuba

HAVANA (AP) - The first brand-name American food sold directly to Cuba in more than four decades arrived on the island this weekend - a 132-ton shipment of butter, margarine and cereals.

The load, which arrived Sunday, is the first half of a 275,000 order Cuba placed with Marsh Supermarkets Inc. of Indianapolis for its Marsh brand products. The second half of the order is expected to arrive later this month.

With the shipment, Cuba now has purchased about 770,000 tons of American food worth about \$125 million since the communist government started taking advantage of a U.S. law easing the 40-year-old American trade embargo to allow direct food sales.

The new shipment was the first of packaged goods bearing a brand name - Marsh's. Past deliveries have been of bulk commodities, including apples, onions, corn, rice, wheat, soy, poultry, vegetable oil, eggs and pork lard.

Cuba could buy as much as 70 percent of all its imported food from the United States if it could get financing for the deals, said Pedro Alvarez, the head of Cuba's import food agency Alimport. Currently, it must pay cash for U.S. food.

Cuba annually imports about \$1.5 billion in food, mostly from Europe, Asia and Latin America, Alvarez said.

U.S. lawmakers from farm states are pushing to end a ban on American financing of the sales to make it easier to sell to Cuba.

But President George W. Bush has said he will veto any more efforts to ease existing sanctions until Cuba undertakes economic and political reform.

Mexico Land Issues Spark Clashes

ALTAMIRANO, Mexico (AP) - Supporters of leftist Zapatista rebels clashed with a rival group in southern Mexico, injuring nine people. Five others were wounded in a separate attack motivated by religious differences.

Zapatistas and supporters of the former ruling Institutional Revolutionary Party, or PRI, fought each other with sticks, guns and machetes on Monday in Chiapas state.

Seven injured PRI supporters were treated in nearby hospitals; two injured Zapatistas were treated within their autonomous townships. There was no immediate information on their conditions.

The two groups are engaged in land disputes near the city of Ocosingo, about 100 miles east of the colonial city of San Cristobal de las Casas.

In a separate clash in Chiapas state, militant Catholics ambushed a group of Protestants in the village of San Juan Chamula, wounding five people. About 50 men armed with hunting rifles attacked Protestants as they took their children to school on the first day of classes, a spokesman for the regional governor said.

The predominantly Catholic village, on the outskirts of San Cristobal, has seen decades of religious violence that has forced out thousands of Protestant farmers.

Town leaders have demanded uniformity in religion, saying that dissent weakens an embattled culture that has survived several genocidal wars in recent centuries. Critics say local bosses only seek to maintain power for themselves.

Ecuador to Close Key Border Crossing

QUITO, Ecuador (AP) - Ecuador is closing a key border crossing with Colombia at night, seeking to hamper the movements of drug traffickers and combatants in Colombia's civil war, a provincial governor said Monday.

Edgar Moscoso, the governor of the Carchi province on the Colombian border, told reporters that the government has decided to close the Rumichaca border crossing from 10 p.m. to 6 a.m. beginning on Sept. 1. The Rumichaca crossing connects Tulcan, Ecuador, with Ipiales, Colombia.

The nocturnal closure will run until mid-October on a trial basis, Moscoso said.

Ecuador and Colombia share a 400-mile border that runs from the Pacific coast across the Andes Mountains and deep into the Amazon jungle.

Drug traffickers, rebels and paramilitaries operate in several areas in neighboring Colombian provinces.

Authorities have detected evidence that Colombians have begun operating extortion rings in Ecuadorean territory. Locals also report that rebels slip across the border to relax and buy supplies.

Peru Air Force Pilots to Be Released

LIMA, Peru (AP) - A civilian court has ordered the release of two air force pilots who were jailed after they mistakenly shot down a small plane in 2001, killing an American missionary and her infant child, their lawyer said Monday.

Defense lawyer Jorge Power said his clients' right to be charged within nine months of incarceration had been violated. They had been in prison for more than 10 months.

Peruvian Air Force Maj. Jose Antonio Redhead and Lt. Richard Hercilla should be released this week, Power said. He said the court made its decision Thursday.

The release order followed a successful appeal to the Constitutional Tribunal, Peru's highest court for constitutional matters, Power said.

Redhead and Hercilla piloted a fighter plane that shot down a Cessna float plane, instantly killing American missionary Veronica Bowers, 35, and her 7-month-old daughter, Charity, in a botched drug interdiction mission in April 2001.

Power said the pilots still face charges including disobedience and negligence, but did not know when they would go to trial.

The Peruvian plane downed the Cessna the Bowers were traveling in after a CIA-operated surveillance flight identified it as a possible drug courier.

A joint U.S.-Peru report presented in August of last year found that procedural errors, language problems and an overloaded communications system all contributed to the accident.

Iglesia católica enfrenta nuevo escándalo sexual en Guatemala

GUATEMALA (AP) - La iglesia católica guatemalteca, fortalecida con la reciente visita de Juan Pablo II, enfrenta un escándalo gestado por Julio Arango, quien horas antes de entregar el cargo de procurador de derechos humanos (PDH) denunció a tres sacerdotes de cometer abusos sexuales.

Arango, en una conferencia de prensa el martes por la noche, presentó un documento que condena a tres sacerdotes implicados en estos abusos y pidió a la fiscalía una investigación penal de su denuncia.

La más grave acusación implica a un sacerdote en la violación de dos niñas de 7 y 9 años, cuyos crudos testimonios están incluidos en un documento que Arango difundió. El mismo documento menciona a un cura que acosaba sexualmente al sacristán de su parroquia; y de otro que supuestamente masturbaba a un joven seminarista, al que invitó a vivir en su casa.

A pesar de la gravedad de las

acusaciones las autoridades eclesásticas han permanecido en silencio.

"Recibí un documento el día de hoy (martes) y lo he leído a vuelo de pájaro y por lo mismo, hasta que no lo haya estudiado, no voy a dar una opinión definitiva", "acusaciones de este tipo deben ser valoradas con suma prudencia y objetividad", dijo el arzobispo Quezada.

La portavoz del jefe del ministerio Público, Alba Trejo, confirmó que Arango no hizo una denuncia formal

de los hechos, pero dijo que "el fiscal general designará al fiscal que investigará de oficio la denuncia".

El Papa Juan Pablo II visitó dos días Guatemala en julio pasado. Entonces, canonizó al misionero Hermano Pedro de San José de Betancur, pero no habló de las acusaciones de abusos sexuales que involucran a su iglesia, como lo hizo en Canadá, cuando se dirigió a los participantes en la Jornada Mundial de la Juventud.

DIEZ REGLAS DE ORO del inmigrante reciente en EU

■ Diez Reglas

from page 1

familiares en los aeropuertos, es preferible que permanezcan en sus casas, comprendan que existe cierto nivel de riesgo de chequeo, especialmente si el familiar que viaja no tiene documentación adecuada o insuficiente, se pudiera generar mayor revisión que puede afectar a sus familiares que fueron a despedirlo o recibirlo al aeropuerto. En este momento de cierta incertidumbre y de estado de alerta máxima después del 11 de septiembre y la guerra antiterrorista, es pertinente que el migrante indocumentado evite situaciones de alto riesgo como portar

documentos falsos que es delito federal e implica cárcel. Evite, verse envuelto en faltas menores como violaciones de tránsito, robos de apariencia insignificante como tomar unos chicles u objetos pequeños en supermercados.

Recuerde que en el momento que la policía lo investiga por un asunto de rutina o insignificante, se podría convertir en una pesadilla en este momento de alta tensión por las secuelas de los atentados del pasado 11 de septiembre, usted como indocumentado puede ser gravemente afectado ya que su situación es muy vulnerable.

2. Si usted no tiene familia ni amigos, lea los periódicos, escuche la radio en español y vea los noticieros televisados, generalmente encuentran información importante sobre vivienda, acontecimientos locales y anuncios de interés. Las iglesias son lugares para encontrar consejo y orientación no importa que no sea creyente. Acérquese a los negocios latinos y busque gente que hable español, sus consejos pueden ser importantes para el recién llegado.

3. Frente a la policía, migración o cualquier autoridad: "mil veces mejor indocumentado que con documentos falsos". Existen graves penas de cárcel para las personas que son sorprendidas con documentos falsos. A la persona indocumentada simplemente se le expulsa del territorio de Estados Unidos.

4. Recuerde siempre que usted es muy vulnerable y le conviene seguir al pie de la letra las leyes de este país, siempre use los cinturones de seguridad en su vehículo, jamás tome bebidas alcohólicas cuando conduce, respete los límites de velocidad y cuide siempre de respetar las señales de tránsito. Si usted es detenido por la policía corra riesgos mayores por una simple infracción de tránsito como el no usar direccionales al dar vuelta.

5. Sea discreto y siempre tome precauciones de preferencia no sea trasnochador, no maneje de noche si no tiene necesidad de hacerlo, no le conviene hacer reuniones escandalosas en su casa o apartamento y que jamás se prolonguen más allá de las 10 de la noche. Sea un vecino discreto y amigable, no deje basura tirada ni haga de su pasillo o jardín un horrible tiradero que enoje a sus vecinos. Nunca deje abandonados carros del supermercado. Muestre que usted es una persona sin tacha y comportamiento superior. De lo contrario, la

policía podría venir a su vivienda y afectar su tranquilidad.

6. Si usted está viviendo con su familia es muy importante que nunca deje solos en su vivienda o automóvil, a los niños menores de 12 años, es contra la ley. No maltrate o golpee a su cónyuge y a sus hijos. El abuso de menores tiene castigos severos, indocumentado o residente legal puede ser deportado.

los afectados aún indocumentados pero si son abusados, pudieran obtener ciertas garantías de que no serán deportados.

7. No todo esta perdido para poder quedarse legalmente en EU: la persona indocumentada que se casa con ciudadano o residente puede obtener papeles legales, es importante que el prometido o prometida solicite en Migración la Visa de Fiancé o de prometido, la persona indocumentada tiene que salir de EU y regresar con dicha visa para casarse. Nunca intente hacer matrimonios simulados, podría ser detenido y sujeto a cárcel.

8. La persona indocumentada puede aprovechar su estancia en EU para estudiar y prepararse. Nunca es tarde para aprender inglés o un oficio. Si usted tiene preparatoria o carrera técnica terminada (incluyendo secundaria técnica o secretarial) le convendría investigar los requisitos para seguir una carrera o estudiar inglés en escuelas autorizadas para tramitar visa de estudiante. Los colegios más económicos son los llamados "Community College" o los "Technical Institutes". Al tener la carta de aceptación de una escuela, usted tendría que viajar a su país de origen para el visado de su pasaporte como estudiante, recuerde que el pasaporte deberá estar expedido en su país de origen. Después de los actos terroristas del 11 de septiembre de 2001 la posibilidad de obtener visa de estudiante es más difícil ya que se han incrementado los requisitos que se deben cumplir. Por decisión reciente del Gobernador Gary Davis los jóvenes indocumentados que han terminado High School en California, pueden ser admitidos en universidades y colegios del estado pagando colegiaturas como residentes.

9. La persona indocumentada que tiene estudios profesionales o antecedentes como pequeño empresario, tiene oportunidad de obtener diversos tipos de visa. Ya mencionamos la visa de estudiante que puede incluir a toda la familia con visa

de dependientes, demostrando solvencia económica a la escuela o institución educativa que dará la carta de aceptación y formas migratorias que se presentarán en un consulado de EU en el país de origen del futuro estudiante. Existen muchos tipos de visas y oportunidades. Ingenieros titulados de todo tipo pueden aspirar a la visa H-1B, en ciertas situaciones hay oportunidades para maestros (www.vifpro.org), médicos y enfermeras titulados, (conocimiento del inglés es prioritario). En el caso de trabajadores sin certificados escolares pero que conocen bien un oficio, les conviene localizar la Comisión de Certificación y Competencia Laboral de su país de origen para obtener una certificación laboral. En el caso de México necesita localizar directamente a dicha Comisión conocida con las siglas de CONOCER (www.conocer.org.mx) en la delegación de la Secretaría del Trabajo en la capital de su estado de origen. Con este documento que avala sus conocimientos técnicos, su patrón o empleador en EU tendrá más posibilidades de obtener un permiso de trabajo para usted. En muchas ciudades se pueden abrir pequeños negocios con el número de impuestos conocido como IRS number o ITIN que se obtiene con el formulario w7 o w8, investigue cual le conviene como extranjero. Recuerde que este número no es un número de seguro social, algunos patrones lo aceptan para descontar impuestos. Si usted está usando un número de seguro social ajeno o inexistente tenga mucho cuidado y si le envían una carta del seguro social no se alarme pero hable con el número de impuestos conocido como IRS number o ITIN que se obtiene con el formulario w7 o w8, investigue cual le conviene como extranjero. Recuerde que este número no es un número de seguro social, algunos patrones lo aceptan para descontar impuestos. 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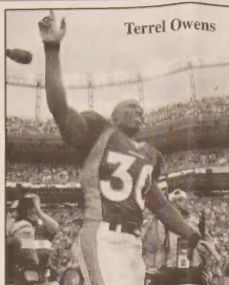
49ers 12, Broncos 7

DENVER (AP) - Terrell Owens logró siete recepciones para 123 yardas, y los 49ers de San Francisco vencieron el lunes por 12-7 a los Broncos, en la noche en que los aficionados de Denver le dijeron adiós a Terrell Davis.

San Francisco limitó a Denver a 242 yardas totales, para ligar por primera vez tres victorias en pretem-

porada. Los 49ers anotaron cuatro goles de campos, tres de José Cortez.

Davis, quien tiene o comparte 56 récords del equipo, salió por última vez del túnel del estadio, ovacionado por 69,343 espectadores. Será enviado el martes a la reserva de los lesionados, debido a un problema crónico en sus rodillas.~



Terrell Owens

Entre Goles y Bambinazos
Falta de seriedad en el fútbol mexicano

Por Jaime Arturo Duarte

LA FALTA DE SERIEDAD Y PROFESIONALISMO es lo que impera entre los máximos dirigentes del fútbol profesional en México. Esto se demuestra, primero, con los cambios de nombres, trasposas y desaparición de franquicias (clubes) "al por mayor". Inicia otro torneo y "de golpe y porrazo" aparecen dos nuevos participantes en el máximo circuito: Jaguares (Chiapas) y Gallos Blancos (Querétaro), éste ya con un amplio historial en divisiones inferiores. El equipo sorpresa y líder general del torneo pasado, La Piedad, fue "premiado" y regresó a la Primera "A", donde hay siete nuevos participantes (aparte del León que descendió, y del Cihuatlán que subió de la 2da. División). Segundo, el caso del equipo Atlante cuyo propietario es el mismo de la compañía mexicana de telefonía Pegaso: Alejandro Burillo Azcárraga. Al término del torneo pasado (casi tres meses), se dijo que los Potros durante esta temporada utilizarían el Estadio Neza 86 en sus juegos como locales; bueno, del dicho al hecho... porque en su debut como anfitriones en la jornada dos (domingo), el Atlante no pudo jugar ahí ante el Toluca ya que la Comisión Revisora de Estadios de la Femexfut determinó que dicho inmueble aún no estaba en condiciones de albergar un encuentro de Primera División. Por un lado, la existencia de esta Comisión es muy positiva para el fútbol mexicano ya que "obliga" a los propietarios de equipos a mejorar los estadios y "tratar" de tenerlos a la par, en todos los aspectos, con los usados en las principales ligas del mundo (aunque están muy lejos de compararse a los

europeos, y a años-luz de los que vimos en Japón y Corea). Por el otro, no entiendo (lo que sí capto es que "la lana" mueve al mundo) por qué la Federación que rige al deporte más popular en "el país del taco" permitió la participación de un equipo cuando éste, antes del inicio del torneo, no tenía dónde jugar. Esto solo pasa... "pos" "nomás" en México... El Jueves pasado el D.T. de los Potros, Miguel Herrera, no sabía si el juego era a las siete o a las ocho de la noche, en el estadio Azteca o en el Azul; el presidente del Toluca, Rafael Lebría, más tarde declaró que el juego sería en el Azteca a las siete (una hora después del Necaxa-Atlas)... imagínense a los "contados" aficionados atlantistas: "Pos... 'onde va' ser el partido, eh?", "Y'aque horas, tú?", "Pos... 'onde compro los tickets, pues?". Al final, Atlante perdió 3-2... y según esto, el Neza 86 estará listo para la jornada cuatro. O sea, en dos semanas m*... Cumplirán? Usted cree que hay seriedad?

"Se pasó de lanza"

El que "se salió" en sus comentarios fue el gobernador de Jalisco, Alberto Cárdenas. Días antes del "clásico" entre Chivas y Águilas dijo que los jugadores del América terminarían con 1*grimas en los ojos al final del juego... mmmm... Sabría que los americanistas partirían cebolla pa' la birria??? Como que la pasión que genera este partido no solo le llega a "Juan Pueblo"; también los "jerarcas" de la política mexicana se contagian... y sí, en efecto... los campeones comieron birria... ganaron 1-0.

En la licuadora...

DESPUES DE LO QUE CALIFICO el directivo argentino del Real Madrid, Jorge Valdano, como "un

espectáculo periodístico", el desenlace de la novela llegó a su fin: Ronaldo no se va al club merengue; el ariete brasileño continuará anotando goles y "deleitando" a los aficionados del Inter de Milán por lo menos un año más (su contrato termina en el 2006). Según el filósofo del fútbol (Valdano): "El Madrid no ofreció nada (\$), y el Inter no pidió nada". O sea, todo fue "puro chisme" de los medios de comunicación... vaya... EXCELENTE RETORNO DEL MEXICANO Erubiel Durazo con los Diamondbacks (o Cascabeles, como usted quiera) de Arizona. Después de dos incursiones a la nada agradable lista de inhabilitados, la última el pasado 29 de Junio en Cleveland, el sonorense regresó a la titularidad en la primera almohadilla de los de Phoenix en forma grande. En su reaparición, el 27 de Julio, conectó un bambinazo e impulsó tres carreras frente a los Padres; el sábado 3 en el Shea Stadium ante los Mets, la sacó dos veces del parque y empujó cuatro carreras; el miércoles 7 se fue de 4-2 (2 dobles) contra los Bravos; en la octava le dio el triunfo a los D'backs al desempatar el marcador (3-3) con el segundo extra-base. El Viernes 9 conectó dos bambinazos más (llegó a 13) en la victoria de 2-1 sobre los Marlins. A pesar de las lesiones y con más de 40 juegos por delante seguramente superará lo hecho el año pasado cuando ganaron la Serie Mundial... UN RECORD: la dupla de jugadores del mismo equipo con más cuadrangulares (115) en una misma temporada: Roger Maris (61) y Mickey Mantle (54), de los Yanquis de Nueva York en 1961. Hasta la próxima.~

Slumping Giants Stop Marlins 3-0

By Steven Wine
Associated Press writer

MIAMI (AP) - Livan Hernandez pitched a five-hitter for his first victory since July 12, and the slumping San Francisco Giants mustered five hits to beat the Florida Marlins 3-0 Monday.

Hernandez (8-13) struck out eight and walked two. The right-hander had been 0-3 in six starts since shutting out Colorado 9-0.

The Giants had lost four straight, matching a season high. They avoided their first four-game series sweep since July 4-7, 1996 at San Diego.

Julian Taveaz (8-10) retired the first 14 batters before fading in the 86-degree sunshine. He allowed five hits and three runs in seven innings.

David Bell doubled leading off the sixth for the Giants' first hit, scored their first run and drove in another run with a sacrifice fly. His run ended a streak of 20 1-3 consecutive scoreless innings for the Giants, who were outscored 14-5 in the first three games of the series.

The Marlins had won four in a row. They've been shut out seven times since the All-Star break and 12 times this season.

Barry Bonds was given the day off. He had played in 17 consecutive games.

Taveaz retired the first 14 batters, then walked Benito Santiago on a 3-2 pitch with two outs in the fifth.



Bell's bloop double deflected off the glove of a diving Preston Wilson in short center to start the sixth. Bell advanced when Hernandez sacrificed, then scored on Tom Goodwin's infield single off the glove of second baseman Luis Castillo. Jeff Kent's two-out double made it 2-0.

J.T. Snow doubled in the seventh and later scored on Bell's flyout.

Kevin Millar reached on an infield single for Florida's first hit in the fourth. Hernandez also walked and hit a batter in the inning but picked Andy Fox off second and escaped the jam.Δ

HUELGA BEISBOL

Líder sindical denuncia las intenciones de los propietarios

NUEVA YORK (AP) - El líder del sindicato de peloteros sostiene que los propietarios de las novenas han lanzado un "ataque frontal contra la estructura salarial" de las grandes ligas.

Donald Fehr, jefe del sindicato, envió una carta a los peloteros en la que dice que las propuestas de los propietarios generarán una enorme transferencia de dinero de los equipos más poderosos a los más débiles y provocarán una rebaja en los salarios.

Según Fehr, los Yanquis renunciarán a 86.9 millones de dólares, los Mets a 35.8 millones, los Medias Rojas a 34.2 millones y los Marineros a 32.3 millones.

El informe tiene fecha 17 de agosto. La AP obtuvo una copia.

Fehr sostiene que los peloteros aceptaron un aumento de 169 millones a 235 millones de dólares

en la suma a ser repartida, pero que los propietarios quieren repartir 282 millones de dólares.

Los propietarios propusieron ~~asimismo que se fije un impuesto~~ que iría del 37.5% al 50% en la porción de la nómina que supere los 102 millones de dólares.

Los jugadores quieren que el impuesto sea del 15% al 30% y que rija cuando la nómina sobrepasa los 130 millones de dólares.

Fehr dijo que en la actualidad siete equipos tienen nóminas de más de 102 millones de dólares: los Yanquis 171.2 millones), Texas (131.4 millones), Los Angeles (118.8 millones), Boston (114.8 millones), Mets (112.9 millones), Arizona (112.1) y Atlanta (110.4 millones).

Otras cinco están muy cerca de ese nivel, según Fehr: Seattle (98 millones), San Luis (96.3 millones),

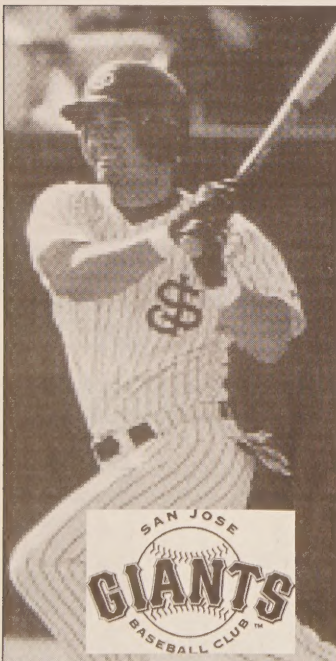
San Francisco (94.5 millones), los Cachorros (93.2 millones) y Cleveland (92.3 millones).

"El impuesto propuesto por los clubes busca ejercer una enorme presión para rebajar las nóminas. Su propósito es reducir los salarios", afirmó Fehr.

Los peloteros llamaron el viernes pasado a una huelga para el 30 de agosto si no se llega a un acuerdo antes. Las negociaciones fueron reanudadas el lunes, pero sin que se abordasen los temas más espinosos.

El propietario de los Padres John Moores dijo que, si hay una huelga, "estoy preparado para suspender las actividades por el resto de la temporada".

"No quiero ser parte de un sistema loco en el que hay que subir constantemente los precios de las entradas", expresó en declaraciones que publica el New York Times.~



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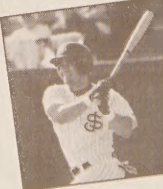
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CHEVY CAVALIER '96, good condition, \$4500, (408) 439-1072
DODGE CARAVAN '92, automatic, \$3500, (408) 272-1135
FORD ECONOLINE VAN '85, \$1000, (408) 294-0680
HONDA PRELUDE '86, needs work, AT, 2-dr, smogged w/ 03' tags, \$600 obo., (408) 275-1020
ISUZU IMARK '87, 5-speed, 77,000 original miles, 2-door, \$1350, (408) 910-3070

AUTOS DE VENTA

BMW '70, \$1000, (408) 234-6844
BUICK RIVIERA CONV. '82, buen estado, radiador nuevo, llantas buenas, etc., \$1750 o mejor oferta, (650) 867-3444
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FORD ECONOLINE VAN '84, buenos condiciones, \$2000, (408) 294-3895
FORD TEMPO '86, \$850, (408)472-1678
JEEP ISUZU RODEO '98, \$8600, (650) 218-4232
LEBARON CONVERTIBLE '92, \$1600, mensaje (408) 291-4938 o (408) 287-5865
MITSUBISHI '89, automatico, \$1350, (408) 272-1135
OLDSMOBILE '88, automatico, \$700, (408) 279-6354
OLDSMOBILE '95, automatico, 4 puertas, \$2995, (408) 314-6816
TOYOTA CAMRY '88, automatico, 4 puertas, \$1995, (408) 314-6816
TOYOTA CELICA '88 CONV., \$350, llame despues de las 5 pm y los fines de semana, (650) 324-3915
TOYOTA COROLLA '83, air con., perfecto condicion, automatico, \$900, (408) 249-2803

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MONTEREY/CAPITOL, room for rent, female preferred, \$400, (408) 360-9964
STORY/CAPITOL EXPWY, room for rent, \$500 + \$200 dep., (408) 258-7416

SE RENTA APARTAMENTO

GLEN WILLOW APARTAMENTOS
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SE RENTA CASA

OCALA/CAPITOL, se renta trailer con todos los servicios, patio, (408) 923-2009
SE RENTA CASA, 3 recamaras/2 banos, llame para informacion, \$2150 (408) 230-8872
SUNNYVALE, Busco una casa para rentar, 3/4 recamaras, lo necesito para el 1 de Oct., (408) 238-2717

MUY BUENA INVERSION \$89,5000
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Si desea mas informacion, por favor de llamar a Carlos Mejia casa (559) 645-1419 trabajo (559) 645-0518 celular (559) 974-4202

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3rd/TAYLOR, se renta cuarto con todo, \$450, llame Victor (408) 595-3865
10th/REYES, se renta cuarto, \$500, (408) 286-4845
ABORN/WHITE, se renta cuarto, \$550, (408) 723-1935
ADRIAN/OCALA, se renta cuartos, \$500, (408) 937-9217
ALUM ROCK, se comparte un cuarto con una mujer, \$250, (408) 937-1146
BLOSSOM HILL/HWY 85, se renta cuarto, \$500, (408) 362-1674
BLOSSOM HILL, se renta un cuarto, \$500, (408) 362-4533
CAPITOL/STORY, se renta cuarto con baño privado, \$400, (408) 272-9495
CAPITOL/STORY, se renta cuarto para una pareja un 2 mujeres, \$450, (408) 251-6736
DOWNTOWN, se renta estudio por \$825 + \$700 dep., y Duplex de 2 cuartos arriba por \$1250 + \$1000 dep., (408) 298-7028
EVERGREEN AREA, Se renta un cuarto para una persona (mujer preferible), \$500 (408) 274-4064
MONTEREY/BRANHAM, se renta cuarto para una o dos personas, \$500, (408) 365-8842 o (408) 362-1674
OCALA/CAPITOL, \$500 para dos personas, (408) 386-3841
REDWOOD CITY, se renta un cuarto por \$700, todo incl., (650) 361-8748
SENDER/MONTEREY, \$550 para dos personas, \$250 para una persona, (408) 226-0321
SENDER/CAPITOL, se renta cuarto con baño, \$650, (408)224-9245
SENDER/CAPITOL, \$500, (408) 227-0971
SENDER/CAPITOL, se comparte cuarto, \$260, (408) 227-0971
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SENDER/MONTEREY, se renta cuarto, \$500, (408) 578-2106
STORY/JACKSON, se renta cuarto para una pareja, \$500, (408) 274-8922
STORY/McLAUGHLIN, se renta cuarto, \$400, (408) 294-3895
STORY/WHITE, se renta sala para una persona, \$200, (408) 272-3496
STORY/WHITE, se renta un cuarto, \$400 (una persona), \$500 (dos personas), (408) 272-3496
WHITE/MEADOW, se renta cuarto para una pareja, \$400, (408) 251-3537
STORY/WHITE, se renta un cuarto, para una persona \$400, para 2 personas \$500, (408) 272-3496
STORY/WHITE, se renta un cuarto con baño privado, \$750, (408) 258-2734
TULLY/McLAUGHLIN, se renta cuarto, \$550 (408) 294-9518
TULLY/QUIMBY, se renta cuarto con baño privado, \$575, (408) 274-4064
WHITE/MEADOW, se renta cuarto para una persona o una pareja, \$400, (408) 251-3537
WHITE/OCALA, se renta 2 cuartos, \$550 cada uno, (408) 254-2802
WINCHESTER, se renta cuarto para 3 personas, \$550, (408) 261-8267

SE RENTA ESTUDIO

OCALA/CAPITOL, se renta estudio con todos los servicios, buen area, \$750 + util., (408) 923-2009
REDWOOD CITY, se renta estudio, \$675, todo incl., (650) 361-8748
SAN JOSE, se renta estudio, tiene salida/patio independiente, \$900, (408) 281-3166

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(408) 287-8503
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un día a la semana, (408) 347-0873
BUSCO TRABAJO EN EL CAMPO CUIDO ANIMALES
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(Tully y McLaughlin)
(408) 294-9518
CUIDO NIÑOS EN MI CASA (ALUM ROCK/KING)
(408) 272-7801
CUIDO NIÑOS EN MI CASA (Santa Clara) - llame (650) 960-6989
CUIDO NIÑOS EN MI CASA ENTRADA POR SALIDA
TENGO LIC., (408) 362-9132
SE BUSCA EMPLEO CUIDANDO NIÑOS ENTRADA POR SALIDA
(408) 281-2627
SE BUSCA EMPLEO DE COMPANIA DE PINTOR
(408) 781-5085

SE RENTA GARAJE

KING/STORY, se renta garaje, \$700, (408) 887-9634

MONTEREY/ROSE, se renta un garage sin servicios, \$500, (408) 972-8845
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VENDO PAJARO (GUACAMAYO) DE COLORES, tiene 2 años, y habla, (650) 324-3915

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VENDO PAJARO (GUACAMAYO) DE COLORES, tiene 2 años, y habla, (650) 324-3915

ENSENADA, BAJA CALIFORNIA, se vende terreno y casa, 6 metro cuadrados, \$100/metro, llame Juan (408) 779-6210

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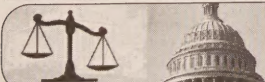
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Notas Legales - Legal Notices



FICTITIOUS BUSINESS NAME STATEMENT

The following person is doing business as **BOITEGA ITALIANA, 377 Santana Row, San Jose, CA 95128**. Dragan Mikovic, 122 Seeno St., Monterey, CA 93940. This business is conducted by an individual. Registrant has not yet begun to transact business under the fictitious business name or names listed herein.
"I declare that all information in this statement is true and correct. (A registrant who declares as true information which he or she knows to be false is guilty of a crime.)"
Dragan Mikovic
(August 22, 29; September 5, 12, 2002)
This statement was filed with the County of Santa Clara on August 14, 2002.

FICTITIOUS BUSINESS NAME STATEMENT

The following person is doing business as **GLORIA'S FLOWERS, 717 N. 13th Street, San Jose, CA 95112**. Gloria Hernandez, 717 N. 13th Street, San Jose, CA 95112. This business is conducted by an individual. Registrant began transacting business under the fictitious business name or names listed herein on 4/20/02.
"I declare that all information in this statement is true and correct. (A registrant who declares as true information which he or she knows to be false is guilty of a crime.)"
Gloria Hernandez
(August 22, 29; September 5, 12, 2002)
This statement was filed with the County of Santa Clara on July 22, 2002.

FICTITIOUS BUSINESS NAME STATEMENT

The following person is doing business as **SUMMIT ENVIRONMENTAL CONSULTING, 12400 Foothill Ave., San Jose, CA 95046**. Alex Gallego, 12400 Foothill Ave., San Jose, CA 95046. This business is conducted by an individual. Registrant has not yet begun to transact business under the fictitious business name or names listed herein.
"I declare that all information in this statement is true and correct. (A registrant who declares as true information which he or she knows to be false is guilty of a crime.)"
Alex Gallego
(August 22, 29; September 5, 12, 2002)
This statement was filed with the County of Santa Clara on August 16, 2002.

FICTITIOUS BUSINESS NAME STATEMENT

The following person is doing business as **CALIFORNIA COMMERCIAL REPAIR, 725 West Fremont Ave., San Jose, CA 94087**. Douglas P. Jones, P.O. Box 585, San Jose, CA 95105-5855. This business is conducted by an individual. Registrant has not yet begun to transact business under the fictitious business name or names listed herein.
"I declare that all information in this statement is true and correct. (A registrant who declares as true information which he or she knows to be false is guilty of a crime.)"
Douglas P. Jones
(August 22, 29; September 5, 12, 2002)
This statement was filed with the County of Santa Clara on August 15, 2002.

FICTITIOUS BUSINESS NAME STATEMENT

The following person is doing business as **HUSI & ASSOCIATES, 1688 Willow Street, San Jose, CA 95125**. Mary Hosi, 1581 Minnesota Ave., San Jose, CA 95125. This business is conducted by an individual. Registrant began transacting business under the fictitious business name or names listed herein on 8/1/00.
"I declare that all information in this statement is true and correct. (A registrant who declares as true information which he or she knows to be false is guilty of a crime.)"
Mary Hosi
(August 22, 29; September 5, 12, 2002)
This statement was filed with the County of Santa Clara on August 14, 2002.

FICTITIOUS BUSINESS NAME STATEMENT

The following person is doing business as **J.E. HIGGINS LUMBER COMPANY 1060 Commercial St., Suite 101 & 102, San Jose, CA 95112**. John R. Long, 6099 Southfront Rd., Livermore, CA 94550. This business is conducted by a corporation. Registrant has not yet begun to transact business under the fictitious business name or names listed herein.
"I declare that all information in this statement is true and correct. (A registrant who declares as true information which he or she knows to be false is guilty of a crime.)"
John R. Long
(August 15, 22, 29; September 5, 2002)
This statement was filed with the County of Santa Clara on August 05, 2002.

FICTITIOUS BUSINESS NAME STATEMENT

The following persons are doing business as **FIRST RATE CAPITAL MORTGAGE COMPANY, 136 Race St., San Jose, CA 95126**. Kimberly and Miguel Rocha, 2187 Bentley Ridge Dr., San Jose, CA 95138. This business is conducted by a partnership. Registrant began transacting business under the fictitious business name listed herein on 5/2/1997.
"I declare that all information in this statement is true and correct. (A registrant who declares as true information which he or she knows to be false is guilty of a crime.)"
Miguel Angel Rocha
(August 15, 22, 29; September 5, 2002)
This statement was filed with the County of Santa Clara on August 09, 2002.

FICTITIOUS BUSINESS NAME STATEMENT

The following person is doing business as **DIABLO CONSULTING SERVICES, 12400 Foothill Ave., San Martin, CA 95046**. Alex Gallego, 12400 Foothill Ave., San Martin, CA 95046. This business is conducted by an individual. Registrant has not yet begun to transact business under the fictitious business name or names listed herein.
"I declare that all information in this statement is true and correct. (A registrant who declares as true information which he or she knows to be false is guilty of a crime.)"
Alex Gallego
(August 15, 22, 29; September 5, 2002)
This statement was filed with the County of Santa Clara on August 07, 2002.

FICTITIOUS BUSINESS NAME STATEMENT

The following persons are doing business as **EXOTIC MAIDS, 3198 Rubindr Dr., San Jose, CA 95128**. Tin Nguyen, 2299 Blaine Ave., San Jose, CA 95122 and Roger Gomez Jr., 6411 Pelham Ct., San Jose, CA 95123. This business is conducted by a partnership. Registrant has not yet begun to transact business under the fictitious business name or names listed herein.
"I declare that all information in this statement is true and correct. (A registrant who declares as true information which he or she knows to be false is guilty of a crime.)"
Tin Nguyen and Roger Gomez Jr.
(August 15, 22, 29; September 5, 2002)
This statement was filed with the County of Santa Clara on July 31, 2002.

FICTITIOUS BUSINESS NAME STATEMENT

The following persons are doing business as **KINGWEI COMPANY, 1022 Willowbrook Way, Cupertino, CA 95014**. 1. Yang Chen, 10822 Willowbrook Way, Cupertino, CA 95014. This business is conducted by an individual. Registrant has not yet begun to transact business under the fictitious business name or names listed herein.
"I declare that all information in this statement is true and correct. (A registrant who declares as true information which he or she knows to be false is guilty of a crime.)"
Yang Chen
(August 15, 22, 29; September 5, 2002)
This statement was filed with the County of Santa Clara on August 02, 2002.

FICTITIOUS BUSINESS NAME STATEMENT

The following persons are doing business as **MELICA GROUP, 1407 Old Wood Dr., San Jose, CA 95070**. Hamid R. Kianzad and Mahnaz Kianzad, 1407 Old Wood Dr., San Jose, CA 95070. This business is conducted by husband and wife. Registrant began transacting business under the fictitious business name or names listed herein on 02/01/2002.

Business

Five Tips for Successful Business Financing

(FS) - So you are ready to take the plunge and go into business for yourself. But like many entrepreneurs, you are finding the amount of money it takes to get a business off the ground both mind-boggling and discouraging. For many, getting a bank loan is not a viable option, nor is running up bills on high interest credit cards. In fact, the Small Business Administration estimates that 95 percent of company start-ups are backed by a patchwork of savings and personal loans.

There's no doubt that borrowing money from friends and relatives could be stressful and risky. While there are over seven million outstanding loans between individuals at any given time in the U.S., according to the Federal Reserve Board, the rate of default on these person-to-person loans is

fourteen times higher than that of bank loans.

1. Document the loan terms, handshakes are never enough. Relationships can be ruined due to misunderstandings about loan terms. If you don't write down the terms in a promissory note, future investors and creditors will also be wary.

2. Use a fair interest rate, lenders will be much happier about forgiving payments now and again if they feel that the interest rate is fair. The IRS also may assume, depending on the terms and conditions of the loan, a rate of interest (Applicable Federal Rate) on a no-interest loan to a friend or family member.

3. Avoid balloon payments, balloon payments or lump-sum payments at the end of the loan term are very risky for both borrower and

lender. Borrowers inevitably cannot save enough to make the balloon payment and lenders inevitably cannot tolerate renegotiating the loan at the end of the term.

4. Remember the tax benefits, it is tempting to avoid formalizing loans among friends and relatives, but there are tax benefits to using a formal promissory note. If the borrower cannot pay back the full loan amount, the lender is entitled to a tax deduction as "bad debt" - but only if the loan was formalized.

5. Enjoy the flexibility, the ability to change loan terms, make an occasional late payment, and react to changing life circumstances makes flexibility the bedrock of loans among friends and relatives. Δ

Prometedora vacuna contra el SIDA

CNI - Investigadores estadounidenses desarrollan una vacuna que, por primera vez, permite obtener anticuerpos que bloquean la acción de las múltiples cepas del virus del SIDA.

La vacuna, que se encuentra aún en sus primeras fases de desarrollo, ha sido experimentada en simios y podría ser probada en seres humanos, dentro de dos años.

Investigadores del Instituto de

Virología Humana, en la Universidad de Maryland, Estados Unidos, y del Laboratorio de Biociencias Avanzadas de Kensington, en el mismo estado, anunciaron su hallazgo en Proceedings, una publicación de la Academia Nacional de Ciencias.

Robert Gallo, uno de los descubridores del SIDA y quien dirige en la actualidad el Instituto de Virología Humana, asegura que

"éste es uno de los hallazgos más sugerentes" que él ha presenciado en la investigación del virus VIH.

George Lewis, director del departamento de desarrollo de vacunas del Instituto de Virología Humana, apuntó que más de 25 millones de personas han muerto a causa del SIDA y que otras 40 millones se encuentran infectadas por el virus.~

Sonda perdida en el espacio, localizada por la Nasa

CNI - La NASA logró encontrar una sonda espacial que estaba desaparecida desde el jueves de la semana pasada, cuando fue lanzada con la misión de recoger datos sobre cometas.

Los responsables de la misión lograron hallar la sonda Contour, de 159 millones de dólares, gracias a una serie de imágenes tomadas por un telescopio que muestran que la nave se encuentra en órbita alrededor del sol, aunque posiblemente rota.

Astrónomos de observatorios de Arizona, California, Hawái y otras

partes captaron las fotografías que ayudaron a los controladores a localizar la sonda.

Las imágenes confirman que la Contour activó sus motores como estaba planeado, pero sugieren que algo salió mal, ya que muestran dos objetos alejándose juntos de la Tierra.

En caso de no recibir señales de

la sonda para el jueves, se realizará un último intento el próximo diciembre, cuando las antenas de la Contour estén situadas en una posición más favorable a la Tierra, dijo Michael Buckley, un portavoz del Laboratorio de Física Aplicada de la Universidad Johns Hopkins, que construyó y administra la misión para la NASA.~

Santana Row will overcome disaster, officials vow

Santana Row

from page 1
Cunneen, chief executive of the San Jose Silicon Valley Chamber of Commerce. "I am devastated."

Hundreds of job seekers had lined up last month hoping to land one of the estimated 1,000 jobs that would ultimately open at the mall. The annual sales tax contribution to the city was expected to be "in the millions," said Paul Krutko, San Jose's economic development director.

The blaze erupted Monday afternoon, spewing 100-foot-high flames and billowing black smoke

that could be seen for miles. It was the largest fire in San Jose history, according to Fire Chief Manuel Alarcon - and perhaps the most devastating since an 1887 blaze burned the city's Chinatown and displaced more than 2,000 people.

The fire engulfed the largest of nine buildings in the expansive complex. Firefighters were able to spare the others, though wind-born embers destroyed apartments blocks away.

Battalion Chief Greg Spence of the San Jose Fire Department said that after 27 years of fighting fires this is the biggest he's been through.

"At its peak the whole place was in flames, corner to corner and edge to edge," he said. "There was a huge column of black smoke, sections of the wall were falling down."

Wind-blown embers also started fires that damaged or destroyed 43 apartments and homes in a nearby neighborhood, displacing more than 130 people. Some residents straddled roofs and tried to douse flames with garden hoses, while others hurriedly carried belongings from their homes.

The fire at Moorpark started about a half hour after a blaze erupted at Santana Row. Spencer said it would take several days to confirm what caused both fires.

There were no major injuries reported from any of the blazes.

Smoke from the fires snarled several major Bay Area roadways during the evening commute. All of San Jose's available firefighters responded, as well as crews from nearby cities.

The Santana Row development was to open next month with 36 retail shops as well as 246 rental housing units that carried monthly rents into the thousands, said Tom Miles, a spokesman for Federal Realty.

The rest of the Mediterranean-style project, which was slated to resemble a lushly landscaped San Francisco street scene and was billed as a "city within a city," was designed to include 1,200 luxury residences, a shopping area big enough to hold 14 football fields with stores such as Escada and Gucci, a hotel, a farmer's market and outdoor cafes.

Keith Taylor, 27, lives about a half mile from the blaze and planned to rent one of the new two bedroom apartments that burned.

"It was just the ultimate place you would want to live," Taylor said. "I would only have to walk down the stairs. It is a self-contained community." Δ

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Go Carts—Prueba tu agilidad

Nuevas Atracciones
La Cueva de los Leones...Pronto vienen los nuevos cachorros de leones!
El Lagarto Alley—Dele un vistazo a estas bellezas

Proximos Eventos
4 y 5 de julio • Espectaculares fuegos artificiales
13 y 14 de julio • Festival para los niños
20 de julio • KGBY y KHYL presentan el día de la comedia
27 de julio • Festival Kababayan - día de la familia filipina
3 de agosto • Conozca y de la bienvenida a Nigel Marvin del programa El Planeta de los Animales
10 de agosto • Día de Novelas - Our lives

FUEGOS ARTIFICIALES 4 y 5 de julio

sixflags.com

AHORRE \$10 SOBRE EL PRECIO REGULAR DE ADMISION GENERAL
Presente este cupón solamente en las taquillas de Six Flags Marine World y ahorre \$10 con cada entrada de admisión general. No es válido para personas mayores/desapacitados ó para niños menores de 4 años. Cada cupón es válido hasta para 6 personas. Cupón válido desde el 15 de mayo al 29 de septiembre del 2002 durante las horas regulares de operación del parque. No puede ser usado o combinado con ninguna otra promoción u oferta especial. No puede ser revendido.

Holiday Inn

*Se aplican cargos adicionales

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TODO NUEVO RINGLING BROS. EL ESPECTACULO MAS GRANDE DEL MUNDO

SHOW 132 BARNUM & BAILEY

DAVID LARIBLE

T.M. el HOMBRE LAGARTO

SARA el TIGRESA

14-18 de AGO. OAKLAND ARENA

Miér. 14 de AGO. a 7:30 PM
NOCHE DE ESTRENO
¡AHORRE \$5 EN BOLETOS!
(Excluye sectores de Primera fila y VIP)

Compré boletos a www.Ringling.com
¡Quitaré! Taquilla de arena o llamando (510) 762-2277 • (650) 478-2277

21-25 de AGO. COMPAQ CENTER AT SAN JOSE

Miér. 21 de AGO. a 7:30 PM
NOCHE DE ESTRENO
¡AHORRE \$5 EN BOLETOS!
(Excluye sectores de Primera fila y VIP)

Compré boletos a www.Ringling.com, Centros de Ticketmaster, taquillas de arena o llamando (408) 998-TIXS solamente en San Jose, (415) 421-TIXS o (707) 528-TIXS San Jose y San Francisco

Grupo 1: 1-800-527-7467

25 de AGO. al 2 de SEP. COW PALACE

Miér. 28 de AGO. a 7:30 PM
NOCHE DE ESTRENO
¡AHORRE \$5 EN BOLETOS!
(Excluye sectores de Primera fila y VIP)

Compré boletos a www.Ringling.com, Centros de Ticketmaster, taquillas de arena o llamando (408) 998-TIXS solamente en San Jose, (415) 421-TIXS o (707) 528-TIXS San Jose y San Francisco

Grupo 1: 1-800-527-7467

PRECIOS DE BOLETOS: \$10-75 • \$15-75 • \$20-75
Un número limitado de asientos Primera fila y VIP. Llame para información.
Cargos de servicio podrán aplicarse, no hay cargos de servicio en taquillas de arena.

Ven 90 minutos mas temprano y conoce a los payasos y animales

Mazda Card

